

TABLE OF CONTENTS

for

Manual of Policy, Regulations, and Procedure

A

Absence With Leave (Defined)	1-101
Absence From Post	2-1812
Absence, Leave of (Defined)	1-105
Acceptance of Bribes and/or Gifts	2-1824
Accountability of Materials for Inclusion in the Manual of Policy, Regulations and Procedures	6-2101
Action, Disciplinary (General)	2-1800
Activities, Community Relations	3-200
Activity, Political	2-1100
Address Change	2-1857
Administration of Discipline	6-600
Adult Retail Theft Disposition	4-100
AIDS Policy	6-900
Airport Security, Emergency Response	4-2500
Alarm Response Procedure	4-2600
Alcoholism, Employee Assistance Program	6-330
Appearance, Personal	2-1300
Appearance of Uniform	2-1304
Appointment to Higher Position, Temporary	2-1861
Arrest, Detention and Bail for Adult Violators	4-101
Arrest, Detention, Bail, Incarceration	4-101
Arrest, Vehicle Searches Connected With	4-303
Arrest, Vehicle Searches Not Connected With	4-304
Assistance Program, Employee	6-330
Assemblies, Demonstrations and	4-2000
Association With Attorneys	2-1839
Association With Known Criminals	2-1837
Attire, Personal Appearance	2-1300
Attire, Proper for Duty	2-1818
Attorneys, Improper Association With	2-1839
Authorized Firearms	6-202

B

Bail for Adult Violators, Arrest, Detention and	4-101
Bail, Denial for Misdemeanors	4-101.6

Bail, Felony Arrests	4-101.7
Barricaded Person, Sniper, Hostage Situation	4-3000
Baton, Use of	4-1006
Battery/Domestic Abuse	4-1301
Beat, (Defined)	1-102
Beat, Unauthorized Leaving of	2-1812
Bereavement Leave	1-122
Bloodborne Pathogens	6-900
Bomb Threats	4-2100
Bond, Traffic Violations	4-101.3
Booking Arrested Adults	4-101.9
Bribes, Acceptance of	2-1824

C

Calls, Response to	2-1809
Canine Unit	4-3200
Chance, Games of, in Building	2-1823
Change of Address or Status	2-1856
Chaplains Program	4-3900
Chemical Agents, Use of	4-1008
Chemical Screening Policy	2-1900
Child Abuse and/or Neglect Complaints	4-1103
Citizen Complaints	6-500
City Ordinance Violations Other Than Traffic	4-101.4
City Property, Damage or Loss of	2-1844
Civil Actions Against Police Department Employees	6-320
Code of Ethics, Standard of Conduct	2-100
Communications, Interpersonal	3-800
Communications to be Forwarded Through Official Channels	2-1815
Community Relations	3-100
Community Relations Activities	3-200
Community Relations Programs	3-1000
Community Relations, Role of Individual Officer	3-400
Community Relations, Training in	3-900
Community, Responsiveness to	3-600
Complaints and Complaint Disposition, Against Officers	6-500
Complaints from Citizens of Pornography or Obscenity	4-2903.1
Computer Generated Reports	6-1008
Computers (Information Systems)	6-800
Conduct, Overbearing or Oppressive	2-1805
Conduct, Standard of, and Code of Ethics	2-100
Conduct, Unprofessional	2-400
Conducted Energy Weapons	4-1007.1
Confidential Sources of Information	4-3100
Confidentiality of Juvenile Records	4-1116

Conflict, Management of	4-1300
Consent Searches of Motor Vehicles	4-305
Consent Searches of Motor Vehicles (Form)	4-308
Consumption of Intoxicants on Duty	2-1850
Contact Report Forms, Juvenile	4-1120.5
Contraband, Evidence, Found or Lost Property, Handling of	6-1005
Controlled Tire Deflation	4-805 B 3
Cooperation in Investigation	2-1834
Courtesy	2-300
Crash, Citations to be Issued	4-1403
Crash Investigation	4-3400
Crash Reports Concerning Police Vehicles	2-1854
	6-700
Criminal Violation of Law by Officer	2-1822
Criminals, Association with Known	2-1837
Critical Incident Stress Debriefing	4-3600
Criticism of Orders, Instructions, Proper Procedures	2-1833
Criticism of Other Members, Internal	2-1835
Criticism, Public, by Members	2-1832

D

Damage or Loss of City Property	2-1844
Deadly Force, the Use of	4-900
Death, Line of Duty - Procedures	4-3700
Debriefing, Critical Incident Stress	4-3600
Debts and Legal Liabilities	2-1849
Definition, Chemical Screening Policy	2-1903
Demonstrations and Assemblies	4-2000
Department Actions, Chemical Screening Policy	2-1912
Departmental Organization	6-100
Departmental Property, Private Use	2-1846
Derelection of Duty	2-1804
Detention, Bail, Incarceration, Arrest	4-101
Development of Policy	6-2100
Dignity, Individual	3-300
Disabled, Physically Handicapped, Search of	4-102
Discharge of Firearms, Investigations	4-904
Disciplinary Actions (General Regulations)	2-1800
Discipline, Administration of	6-600
Discretion, Professional	2-200
Discrimination/Sexual Harassment	2-1400
Disposition, Adult Retail Theft	4-100

Disposition of Citizen Complaints	6-500
Disposition, Juvenile Retail Theft	4-1100
Disputes, Labor	5-200
Disregard of Traffic Laws, When Authorized to	4-802 B C
Disrespect Towards Subordinates	2-1807
Disrespect Towards Superiors	2-1831
Disrespectful (Defined)	1-121
Disruption of Enforcement Decision	2-1859
Divulging of Police Records and Information	2-1840
Document, Public, Inspection of	5-102
Domestic Abuse/Battery	4-1301
Drawing a Weapon	6-202
Duplication of Keys	2-1862
Duty, Dereliction of	2-1804
Duty, Following Regs and Being Responsible	2-1802
Duty, Off (Defined)	1-108
Duty On, (Defined)	1-110
Duty, Reporting on Time	2-1817
Duty, Special (Defined)	1-117
Duty, to Forward Communications Through Channels	2-1815

E

Eau Claire Academy, Juvenile Care Facilities	4-1120.3
Educational Opportunities	6-400
Emergency Communications Center, Duties-Alarm Response-Robbery in Progress	4-2600
Emergency Medical Transports	4-3500
Emergency Response, Airport Security	4-2500
Emergency Vehicles, Guidelines for the Operation of	4-800
Employee Assistance Program	6-330
Employment, Outside	6-311
Enforce Laws, Failure to	2-1808
Enforcement Decisions, Disruption of	2-1859
Enforcement of Laws of Labor Disputes	5-202
Enforcement and Services, Equality of	3-500
Enforcement of Regulations by Superior Officers	2-1816
Enforcement, Traffic	4-1400
Entrapment (Defined)	4-3106
Equality of Enforcement	3-500
Equipment, Obtained from Military Sources	6-1007
Equipment, Off/On Duty Carrying	6-202
Ethics, Code of and Standard of Conduct	2-100
Eviction, Action and Landlord-Tenant	4-1302.3
Evidence, Found or Lost Property and Contraband, Handling	6-1005
Evidence, General Procedures	6-1004

Evidence, Seizures	4-306.2
Excessive Force While Handling Prisoners	2-1826
Excited Delirium	4-1010
Expense Vouchers	2-1863
External Influence	2-1838
Eyewitness Identification	4-600

F

Failure to Enforce Laws	2-1808
Failure to Meet Financial Obligations	2-1849
False Arrests and Other Law Suits Against Employees	6-320
False Reports	2-1820
Felony, Bail	4-101.7
Felony Offenses-Juvenile	4-1111
Field Interrogations (Stop and Frisk)	4-200
Field Training Officer Program	4-3800
Financial Obligations, Failure to Meet	2-1849
Firearms, Authorized	6-202
Firearms, Discharge of	4-904
Firearms, Negligent or Unjustified Use	2-1828
Firearms, Off Duty	6-203
Firearms, Qualifications	2-1829
Firearms, Deadly Force	4-903
Force, Continuum	4-1015
Force, Deadly, Use of	4-900
Force, Less Lethal	4-1012
Force, Non-Deadly, Use of	4-1000
Force, Use of, Reporting	4-1011
Force, Use of Standards	2-1821
Forfeiture of Vehicles, Seizing	4-306.1
Found or Lost Property, Evidence and Contraband, Handling	6-1005
Frisk, Stop and	4-202.4

G

Games of Chance in Building	2-1823
General Order (Defined)	1-104
General Reporting	2-1853-
	2-1854
General Regulations	2-1800
Gifts, Acceptance of	2-1824
Glossary	1-100
Goals and Philosophies	1-200
Gratuities	2-1824
Grooming, Personal Appearance	2-1300
Guidelines, Chemical Screening Policy	2-1904
Guidelines for the Operation of Emergency Vehicles	4-800

H

Hair Standards	2-1302
Handcuffs, Use of	4-1009
Handguns, Off/On Duty	6-202
Handling of Evidence, Found or Lost Property, Contraband	6-1005
Handling of Seized Property	2-1848
Handling Prisoners, Excessive Force	2-1826
Harassment, Sexual and Discrimination	2-1400
Harness/Seatbelts, Use of Required	4-701
Hazardous Substances	4-2700
High Speed Pursuit	4-804
Holsters	6-202
Hospital, Juvenile Runaways	4-1120.2
Hostage Situations, Barricaded Person, Sniper	4-3000
Human and Community Relations, Training in	3-900

I

Identification, Eyewitness	4-600
Identification of Police Officers	2-1600
Identifying Oneself	2-1600
Immorality While on Duty	2-1852
Impounding Vehicles	4-306.5-6
Improper Association with Attorneys	2-1839
Improper Association with Known Criminals	2-1837
Inaccurate or Incomplete Reports	2-1811
Incarceration, Arrest, Detention, Bail	4-101
Incident Command	4-3000
Incomplete or Inaccurate Reports	2-1811
Individual Dignity	3-300
Individual Officer, Role of in Community Relations	3-400
Influence, External	2-1838
Informants	4-3100
Informants, Juveniles Not to be Used	4-1104
Information, Confidential Sources of	4-3100
Information in Police Records, Release of	2-1840-
Media Release	5-100
Information Systems	6-800
In-Person Lineup and Forms	4-600
Inspection of Public Records and Documents, Guidance	5-102
Instructions, Criticism of	2-1833
Insulting Language	2-1806
Internal Criticism of Other Members	2-1835
Internal Investigations	2-1834
Interpersonal Communications	3-800
Interrogations and Interviews of Juveniles	4-1101.02
Interrogations, Field-Stop and Frisk	4-200
Intoxicants, Consumption of	2-1850-

Investigations, Cooperation in	2-1200
Investigations, Internal	2-1834
	2-1834

J

Juvenile Care Facilities, and EC Academy	4-1120.3
Juvenile Contact Report Forms	4-1120.5
Juvenile, Felony Offenses	4-1111
Juvenile, General Policies	4-1101
Juvenile, Interrogations, Interviews and Questioning	4-1107
Juvenile, Records, Confidentiality of	4-1116
Juvenile Runaway Report Form	4-1120.4
Juvenile Runaways	4-1120
Juvenile Retail Theft, Disposition	4-1100
Juveniles, Not to Used as Informants	4-1104

K

Keeping Stop and Frisk Records	4-202.5
Keys, Duplication of	2-1862
Known Criminals, Association With	2-1837

L

Labor Relations	5-200
Landlord-Tenant	4-1302
Landlord-Tenant Eviction Action	4-1302.3
Landlord-Tenant Referral List	4-1302.7
Language, Insulting	2-1806
Law or False Arrest Suits Against Employees	6-320
Laws, Failure to Enforce	2-1808
Leave of Absence Defined	1-105
Leave or Beat, Unauthorized	2-1812
Leave, Bereavement	1-122
Leave, Sick, Defined	1-116
Leaving Prisoners Unattended	2-1827
Legal Considerations, Chemical Screening Policy	2-1913.2
Legal Liabilities and Debts	2-1849
Length of Service Defined	1-106
Less Lethal Impact Weapons	4-1012
Less Lethal, Injured Persons	4-1016
Line of Duty Death	4-3700
Lineup Forms	4-604
Loss or Damage of City Property	2-1844
Lost or Found Property, Evidence Contraband, Handling	6-1005

M

Mace, Use of	4-1007
Management of Conflict	4-1300
Management - Labor Disputes	5-200
Media Relations	5-100
Members of the Department Defined	1-107
Medical, Chemical Screening Policy	2-1913.1
Medical Transports	4-3500
Methodology, Chemical Screening Policy	2-1907
Military Equipment (Obtained)	6-1007
Misconduct, Regulations Prohibiting	2-1801
Misdemeanors, Adult	4-101.5
Misdemeanor, Bail Denial	4-101.6
Misuse of Departmental Property	2-1846
Misuse of Police Radio	2-1845
Moral Turpitude	2-1852
Motor Vehicle Crashes	4-1403
Motor Vehicles, Consent Searches of	4-305
Motor Vehicles, Negligence in Operation of	2-1842
Motor Vehicles, Searches Connected With Arrest	4-303
Motor Vehicles, Searches, Not Connected With Arrest	4-304
Motor Vehicles, Searches, Seizures and Inventories	4-300
Motor Vehicles, Seizure of	4-306

N

Neglect of Police Business	2-1810
Negligence in Operation of Motor Vehicles	2-1842
Negligent or Unjustified Use of Firearm	2-1828
Negotiations, Hostage	4-3000
Newborns, Relinquishing Custody	4-1130.1
News Media Relations	5-100
News Release, Policy Guidance for Release of Public Record and Document Information	5-102
Non-Deadly Force, Use of	4-1000
Non-Lethal Weapons	4-1003
Notification of Supervisor, Obtaining Search Warrant	2-1858

O

Oath, Truthfulness Under	2-1819
Obey Lawful Order From Supervisor	2-1830
Objectives (of Department)	1-300
Objectives, Chemical Screening Policy	2-1902
Obtaining Search Warrant, Notification of Supervisor	2-1858
Obscenity and Pornography Enforcement	4-2900
Off Duty, Defined	1-108

Off Duty Employment	6-311
Off Duty Responsibilities	2-1500
Off Duty, Unprofessional Conduct	2-400.1
Off Duty Weaponry	6-203
Off/On Duty Handguns	6-202
Officer, Commanding, Defined	1-103
Officer, Complaints Against	6-500
Officer, Defined	1-109
Officer, Ranking, Defined	1-113
Officer, Superior, Defined	1-113
Officer, Supervisor Defined	1-119
Official Channels, Through, Defined	1-120
Official Channels to be Used in Forwarding Communications	2-1815
Officer, Individual, Role of in Community Relations	3-400
On Duty, Consumption of Intoxicants	2-1850
On Duty, Defined	1-110
On Duty, Immorality	2-1852
On Duty, Reporting for Duty	2-1817
On Duty Solicitation	2-1825
Openness of Operations	3-700
Open View or Plain View Seizures of Items in Vehicles	4-302
Operating Procedure, Confidential Sources of Information	4-3100
Operation of Emergency Vehicles, Guidelines	4-800
Operation of Motor Vehicles, Negligence in	2-1842
Opportunities, Educational	6-400
Oppressive or Overbearing Conduct	2-1805
Order, Defined	1-111
Order, General, Defined	1-104
Order, Obey Lawful	2-1830
Order, Special Defined	1-118
Orders, Criticism of	2-1833
Ordinance Violations	4-101.4
Organizational Chart	6-100
Outside Employment	6-311
Overbearing or Oppressive Conduct	2-1805

P

Pepper Spray, Use of	4-1007
Personal Appearance	2-1300
Personal Motives, Governing Conduct	2-200
Personal Property, Tenants Right to Recover	4-1302.2
Philosophies and Goals	1-200
Photo Lineup and Forms	4-604
Physically Disabled Person, Search of	4-102.4

Plain View or Open View Seizures of Items in Vehicle	4-302
Police Business, Neglect of	2-1810
Police Chaplains	4-3900
Police Facilities, Tours of	3-1001
Police Reserve Unit	7-100
Police Vehicles, Accident Requires Report	2-1855-
	6-700
Police Vehicles, Guidelines for the Operation of	4-800
Police Vehicles, Use of Outside City	2-1843
Police Vehicular Safety	6-700
Police Officer, Identification of	2-1600
Police Radio, Misuse of	2-1845
Police Weaponry	6-202
Policy, Breaching	2-1803
Policy (Defined)	1-112
Policy, Development of	6-2100
Policy, Regulations and Procedures, Accountability of Materials for Inclusion in Manual	6-2101
Political Activity	2-1100
Polygraph Examinations (Juveniles)	4-1109
Pornography and Obscenity Enforcement	4-2900
Pornography, Syndication	4-2904.3
Post, Absence from	2-1812
Precautions, Infectious Diseases	6-900.3
Prescription – Nonprescription Drugs	2-1851
Press Relations	2-1860
	5-100
Pretrial Publicity, Definition and Release of	5-102.1
Prisoners, Excessive Force While Handling	2-1826
Prisoners, Leaving Unattended	2-1827
Prisoners, Transportation and Treatment of	2-1700
Probation and Parole (Juveniles)	4-1114
Procedure, Chemical Screening Policy	2-1905
Procedure, Proper, Criticism of Orders, Instruction	2-1833
Professional Discretion	2-200
Profiling, Racial	3-501
Program of Employee Assistance	6-330
Proper Attire for Duty	2-1300-
	2-1818
Property, City, Loss or Damage of	2-1844
Property, Departmental, Misuse of	2-1844
Property, Found or Lost, Evidence and Contraband, Handling	6-1005
Property, Seized, Handling of	2-1848
Property, Unjustified Seizure of	2-1847
Protection, Equal	2-1804
Provisions, Community	3-100

Public Criticism by Members	2-1832
Public Document and Record Inspection	5-102
Public Speaking	3-1003
Punctuality, Reporting on Time for Duty	2-1817
Purpose, Chemical Screening Policy	2-1901
Pursuit, High Speed	4-804
Pursuit, Use of Police Vehicles	4-805
Push Bumpers	4-702

Q

Qualification With Firearms	2-1829
-----------------------------	--------

R

Radar	4-1404
Radio, Police, Misuse of	2-1845
Ranking Officer, Defined	1-113
Racial Profiling	3-501
Reasonable, Definition of	1-114
Records and Documents, Inspection of	5-102
Records, Confidentiality, Juveniles	4-1116
Record Keeping on Stop and Frisk	4-202.5
Records, Police, Divulging of	2-1840
Records, Tampering With	2-1841
Referral, Towing Recommendations	2-1864
Referral List for Landlord-Tenant	4-1302.7
Regulations, Enforcement of, by Superior Officers	2-1816
Regulations, General	2-1800
Regulations, Prohibiting Misconduct	2-1801
Regulations, Superior Officers Duty to Enforce	2-1816
Regulations, Violation of, Duty to Report	2-1853
Relations, Community Activities	3-200
Relations, News Media	5-100
Release of Information in Police Records	2-1840
Release of Public Record and Document Information, Guidance	5-102
Relinquishing Custody of Newborns	4-1130.1
Report (Defined)	1-115
Reporting for Duty in Proper Attire	2-1300-
	2-1818
Reporting for Duty on Time	2-1817
Reporting, General	2-1853
Reporting Use of Deadly Force	4-904
Reporting Use of Force	4-1011
Reports, False	2-1820
Reports, Inaccurate or Incomplete	2-1811

Reports on Accidents With Police Vehicles	2-1856
Required Equipment – Carrying	6-202
Reserve Police Unit	7-100
Response to Calls or Suspicious Circumstances	2-1809
Response, Emergency, Airport Security	4-2500
Response Procedure, Alarms	4-2600
Responsibilities, Off Duty	2-1500
Responsibilities While Operating Emergency Vehicles	4-800
Responsiveness to the Community	3-600
Retail Theft, Adult	4-100
Retail Theft, Juvenile	4-1100
Ride-Alongs	3-1002
Rifle/Shotgun Use	6-202
Roadblocks	4-805.4
Robbery in Progress, Alarm Response Procedure	4-2600
Role of Individual Officer	3-400
Rules and Regulations, General	2-1800
Runaway Report	4-1120.4
Runaways, Juvenile	4-1120
Relinquish Custody of Newborns	4-1130.1

S

Safety Review Board	6-705
Safety, Vehicular	6-700
School Interrogation of Juveniles	4-1108
School, Taking into Custody of Juveniles	4-1113
Schools, Educational Opportunities	6-400
Search and Seizure, Juveniles	4-1105
Search, Seizure and Inventory of Vehicle	4-300
Searches of Motor Vehicles, Connected With Arrest	4-303
Searches of Motor Vehicles, Not Connected With Arrest	4-304
Searches of Motor Vehicles, Consent	4-305
Searches, School Buildings or Property	4-1106
Searches, Strip & Search of Physically Disabled Person	4-102
Seatbelts, Harnesses, Use Required	4-701
Security, Airport	4-2500
Seized Property, Handling of	2-1848
Seizure of Clothing, Leaving Person Exposed	4-102.5
Seizure of Evidence	4-306.2
Seizure of Items in Plain View or Open View in a Vehicle	4-302
Seizure of Motor Vehicles	4-306.1
Seizure, Unjustified, of Private Property	2-1847
Self Defense, Use of Weapons for	4-903.1
Service and Enforcement, Equality of	3-500
Service, Length of, Defined	1-106

Sexual Harassment and Discrimination	2-1400
Shotgun/Rifle Use	6-202
Showup	4-604
Sick Leave and Absence	2-1813
Sick Leave Defined	1-116
Silent Alarm Response - Robbery in Progress	4-2600
Sleeping on Duty	2-1814
Sniper, Hostage Situations, Barricaded Person	4-3000
Solicitation While on Duty or in Uniform	2-1825
Sources of Information, Confidential	4-3100
Speaking, Public	3-1003
Special Duty, Defined	1-117
Special Order, Defined	1-118
Standard for the Use of Force	2-1821
Standard of Conduct and Code Ethics	2-100
Standard of Personal Appearance, Grooming	2-1300
Status Change	2-1857
Stop and Frisk	4-200
Stopping Witnesses Near the Scene of a Crime	4-202
Stress, Critical Incident Debriefing	4-3600
Strikes	5-200
Strikes, Unlawful	2-1836
Strip Searches & Search of Physically Disabled Person	4-102
Strip Searches, Who Can Authorize	4-102.6
Subordinates, Disrespect Towards	2-1807
Substances, Hazardous	4-2700
Suggestions for Improvement	2-1815
Superior, Disrespect Towards	2-1831
Superior Officer, Defined	1-113
Superior Officer's Duty to Enforce Regulations	2-1816
Supervisor, Defined	1-119
Supplemental Employment	6-311
Suspicious Circumstances, Response to	2-1809
Syndication, With Regards to Pornography	4-2904.3

T

Tasers	4-1007.1
Tavern Closing	4-3300
Temporary Appointment to Higher Position	2-1861
Threats, Bomb	4-2100
Traffic Crash Investigation	4-3400
Traffic Enforcement	4-1400
Traffic Laws, Disregard of, When Authorized to	4-802(B)(C)
Training in Human and Community Relations	3-900
Tampering With Police Records	2-1841

Tear Gas, Use of	4-1008
Tenant-Landlord	4-1302
Tenant-Landlord Eviction Action	4-1302.3
Tenant-Landlord Referral List	4-1302.7
Tenants Right to Recover Personal Property	4-1302.2
Tours of Police Facilities	3-1001
Traffic Violations, Bond	4-101.3
Traffic Violations, City and State (Bond)	4-101.3
Training, Bloodborne Pathogens	6-900.4
Training, of Supervisors, Chemical Screening Policy	2-1913
Transporting of Juveniles	4-1115
Treatment of Prisoners	2-1700
Truthfulness Under Oath and in Other Matters	2-1819
Transportation of Prisoners	2-1700

U

Unauthorized Leaving of Post	2-1812
Undercover, Juveniles	4-1104
Uniform, Appearance and Fit	2-1304
Unjustified or Negligent Use of Firearm	2-1828
Unjustified Seizure of Private Property	2-1847
Unprofessional Conduct	2-400
Use of Force, Deadly	4-900
Use of Force, Non-Deadly	4-1000
Use of Force Standard	2-1821
Use of Handcuffs	4-1009
Use of Pepper Spray	4-1007
Use of Police Vehicles, Pursuits	4-805
Use of Prescription – Nonprescription Drugs	2-1851
Use of Seatbelts/Harnesses, Required	4-701

V

Vehicle, Abandoned or Impounded	4-306.5
Vehicles, Consent Searches of	4-305
Vehicles, Emergency, Guidelines for the Operation of	4-800
Vehicles, Negligence in Operations of	2-1842
Vehicles, Police Report Required on Accident	2-1855
Vehicles, Searches of Connected With Arrest	4-303
Vehicles, Searches of Not Connected With an Arrest	4-304
Vehicles, Searches, Seizures and Inventories of	4-300
Vehicles, Seizure of	4-306
Vehicles, Seizure of Items in Plain View or Open View	4-302
Vehicular Safety	6-700
Verified Complaint	6-500

Violation of Criminal Law by Officer	2-1822
Violation of Regulations, Responsibility to Report	2-1853
Vouchers, Expense	2-1863

W

Warning Devices, Use of on Emergency Vehicles	4-802
Warning Shots	4-903.4
Warrant, Search, Supervisor Notification	2-1858
Weaponry, Authorized	6-202
Weaponry, Conducted Energy	4-1007.1
Weapons, Drawing/Confronting Suspects	6-202
Weaponry, Off Duty	6-203
Witness, Stopping Near the Scene of a Crime	4-202.3

1-100.

1-100. GLOSSARY

1-101. Absence With Leave

A period during which members of the department are authorized by the Chief of Police to be absent from their regular duties with pay.

1-102. Beat/Patrol Area

A district, the boundaries of which are definitely established, assigned to officers for supervision during their tour of duty.

1-103. Commanding Officer

Officer having a rank, either temporarily or permanently, of sergeant or higher. The officer in charge of a shift is recognized to be the commanding officer.

1-104. General Order

A written order issued by the Chief of Police applicable to the department as a whole or a division thereof which established a principle, policy or procedure concerning a given subject and which is effective permanently or until revoked by a subsequent order.

1-105. Leave of Absence

An extended period during which members of the department are excused from active duty as authorized by the Chief of Police during which time they receive no pay.

1-106. Length of Service

Shall be from date of appointment to the department.

1-107. Members of the Department

Members of the department include all personnel on the Police Department Roster, commissioned and civilian.

1-100.

1-108. Off Duty

That rest period during which a member of the department is free from specified, routine duties.

1-109. Officer

A generic term applied to every commissioned member of the department regardless of sex, rank, division, or duty.

1-110. On Duty

That period when members of the department are actively engaged in the performance of their duties.

1-111. Order

Instructions given by ranking officer to subordinate.

1-112. Policy

Policy consists of principles and values which regulate a department activity by providing an “operating standard” that will be used to measure and evaluate performance. Policy is formulated by analyzing objectives and determining, through investigation, those principles that provide the best “operating standard” in determining whether or not department objectives are being achieved. Policy is based upon experience, community desires, police ethics and the letter and spirit of the law.

Policy is articulated to inform the public and department employees of the principles which will be adhered to in the performance of the police function. Additionally, in areas not subject to mandatory declaration, policy establishes “operating standards” to assist department employees in the necessary exercise of discretion in discharging their responsibility. For Policy Development, see 6-2100).

1-100.

1-113. Ranking Officer

An officer of higher rank. The ranks in the Eau Claire Police Department in descending order are:

Chief
Deputy Chiefs
Lieutenants
Sergeants
Police Officers
Reserve Officers

In situations where two officers of the same rank are concerned, the ranking officer shall be the one with the greatest seniority in rank unless the other has been assigned as in charge.

1-114. Reasonable

The standard of “reasonable” behavior called for by these policies looks to examine the individual employee’s action in terms of how a rational and prudent employee would conduct himself/herself in any given situation. When questions of what is “reasonable” arises, the employees should ask themselves, “What would a rational and prudent employee do after considering and weighing all the circumstances in this case?” In making such judgments, the employee should balance the protection of the rights of individuals, and law enforcement needs of the community.

1-115. Report

Always a written communication unless otherwise specified. It may be a verbal report, but must be confirmed by a written communication before an employee rendering same shall go off duty unless otherwise authorized by the appropriate supervisor.

1-116. Sick Leave

Sick leave shall include absence from duty because of illness, bodily injury when not a workmen’s compensation case, exposure to contagious disease, and serious illness in the immediate family of the employee.

1-117. Special Duty

Police service which, by its nature, requires that an officer be excused from the performance of his/her regular, routine duties.

1-100.

1-118. Special Order

An order issued by the Chief of Police to cover some specific circumstances or situation.

1-119. Supervisor

A generic term applied to an employee having supervision responsibilities, either temporary or permanent, over other employees.

1-120. Through Official Channels

Through the hands of a supervisor, or chain of command.

1-121. Disrespectful

Rejection, contempt, or ridicule demonstrated by overt action, or communication toward another member of the department.

1-122. Bereavement Leave

Bereavement leave shall include absence from duty because of death in the family of the employee. Bereavement leave shall be afforded in accordance with city policy and applicable labor contracts.

1-200.

**1-200. OPERATING PHILOSOPHIES AND GOALS OF THE EAU CLAIRE
POLICE DEPARTMENT**

Police operations will exemplify social concern for the protection of individual freedoms, the general welfare and the development of humanitarianism in the community.

Police operations will be based upon the equality of all members of the community in the eyes of the law.

Police operations will be characterized by the meticulous adherence to constitutional, ethical and performance standards.

Police operations will largely focus upon the support of other less formal sources of social regulation and services available to the community.

Police operations must always be based upon the explicit and broadly held notions of police services by the community.

Police operations will always reflect a receptivity to development and change in order to better respond to the appropriate requests and needs of the community.

1-300.

1-300. OBJECTIVES

The department objectives are to:

- create constitutional guarantees for all persons,
- reduce the opportunities for the commission of crime,
- aid individuals who are in danger of physical harm and assist those individuals who cannot care for themselves,
- resolve conflict,
- identify criminal offenders and criminal activity and, where appropriate, apprehend offenders and participate in subsequent court proceedings,
- identify problems that are potentially serious law enforcement or governmental problems,
- provide other police services to the community.

In order to achieve the above objectives, the department stands committed to:

- provide a continual training program to insure professional competence and development of personal and organizational discipline in order to carry out Departmental goals and objectives,
- recognize the importance of planning functions to develop programs which will address major goals and objectives of the department,
- cooperate with related public and private agencies in pursuit of their major goals,
- emphasize a continual willingness to study and initiate new and better police services for the community.

2-100. STANDARD OF CONDUCT

The Law Enforcement Code of Ethics is adopted as a general standard of conduct for officers of the Eau Claire Police Department.

LAW ENFORCEMENT CODE OF ETHICS

"As a law enforcement officer, my fundamental duty is to serve mankind, to safeguard lives and property, to protect the innocent against deception, the weak against violence or disorder, and to respect the Constitutional rights of all men to liberty, equality, and justice.

I will keep my private life unsullied as an example to all, maintain courageous calm in the face of danger, scorn or ridicule, develop self-restraint, and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my Department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement."

2-200.
2-300.
2-400.

2-200. PROFESSIONAL DISCRETION

In the performance of his/her duty to serve society, an officer is often called upon to make difficult decisions. He/She must exercise discretion in situations where his/her rights, liabilities, and those of the Department hinge upon his/her conduct and judgement. An officer's decisions are not easily made and occasionally they involve a choice which may cause him/her hardship or discomfort. An officer must be faithful to his/her oath of office, and the principles of professional police service.

2-200.1 All employees must adhere to the objectives of the Department, and must not allow personal motives to govern his/her decisions and conduct.

2-300. COURTESY

Effective law enforcement depends on a high degree of cooperation between the Department and the public it serves. The practice of courtesy in all public contacts encourages understanding and appreciation, discourtesy breeds contempt and resistance. The majority of the public are law-abiding citizens who rightfully expect fair and courteous treatment by Department employees. While the urgency of a situation might preclude the ordinary social amenities, discourtesy under any circumstance is indefensible. The practice of courtesy by a Department member is not a manifestation of weakness; it is on the contrary, entirely consistent with the characteristics of a professional public employee.

2-400. UNPROFESSIONAL CONDUCT

A police officer is the most conspicuous and visible representative of government, and to the majority of the people he/she is a symbol of stability and authority upon whom they can rely. An officer's actions are found to be excessive, unwarranted, or unjustified, they are criticized far more severely than comparable conduct of persons in other walks of life.

2-400.1 Since the conduct of an employee, on or off duty, may reflect directly upon the Department, an employee must at all times conduct him/herself in a manner which does not bring discredit to him/herself, the department, or the City. All members of the department are expected to conduct themselves in a professional manner so as to reflect well on the department.

2-1100.

2-1100. POLITICAL ACTIVITY

2-1100.1 Police officers share the individual right to engage in political and other protected first amendment activity. However, police should not use their authority or the indicia of office, such as the uniform or title for this purpose because of its inherently coercive nature; nor should they engage in collective political activity which compromises their ability to view objectively conflicts with which they may be called upon to deal.

2-1100.2 City of Eau Claire Personnel Rules regulates political activity by members of the department. All police officers should familiarize themselves with the provisions of Personnel Rule 25.21.

2-1100.3 25.21 Political Activity

City employees are neither appointed to nor retained in service as a result of their political activities and affiliations. City employees are expected to exercise their right of suffrage as citizens and engage in normal political activities. It is, nevertheless, for the city's and employees' best interests that employees neither engage actively in nor attempt by use of the power of their positions, to influence the outcome of city election campaigns.

2-1100.4 The circulation of political petitions within the police department is prohibited in an effort to avoid the perception of coercive or inappropriate influence on public policy issues.

2-1200.

2-1200. USE OF INTOXICANTS

There is an immediate lowering of esteem and suspicion of ineffectiveness when there is public contact by a department employee evidencing the use of intoxicants. Additionally, the stresses of law enforcement require an employee to be mentally alert and physically responsive.

Except as appropriate in the performance of an official assignment, and with the prior approval of the Commanding Officer, the consumption of intoxicants is prohibited while an employee is on duty.

Whether on or off duty, an officer is not to consume intoxicants to such a degree that it impairs his/her on-duty performance. Public consumption of intoxicants is prohibited when officers are identifiable by uniform.

Refer to Chemical Screening Policy

2-1300.

2-1300. PERSONAL APPEARANCE/WEARING OF THE UNIFORM

2-1301. General Policy

All members of the department are visible representatives of the city and its police department. During duty hours, employees of the department should be well groomed, neat, and clean. A vital ingredient of the effectiveness of the Eau Claire Police Department is the pride, self-discipline, and professionalism that members of the department demonstrate through appearance. Therefore, it is important that all personnel wear uniforms and related accessories in the manner prescribed.

2-1302. Hair, Fingernails and Grooming - General

While on duty, all employees shall keep their hair neat, clean and well groomed. Extreme hairstyles shall not be worn. If dyes, tints, or bleaches are used, the resulting hair color must be natural to human hair.

All employees will keep their fingernails clean and neatly trimmed so as not to interfere with the performance of duty, detract from the professional image, or present a safety hazard.

2-1302.1 Hair Standards - Male

2-1302.1(A) Head Hair

Sworn male employees shall keep their hair properly trimmed. The hair shall be at least moderately tapered, shall not extend below the top of the shirt collar, and when in uniform, shall not interfere with the proper wearing of the uniform hat.

2-1302.1(B) Facial Hair

The face will be clean-shaven except that sideburns and mustaches are permitted. Deviations from this policy may be granted for medical reasons or for special assignments by Division Commanders or the Chief of Police.

Mustaches

A short and neatly trimmed mustache of natural color may be worn. Mustaches shall not extend below the vermilion border of the upper lip or the corners of the mouth and may not extend to the side more than one half inch beyond the lower corners of the mouth.

2-1300.

Sideburns

Sideburns shall not extend beyond a point even with the bottom of the ear lobe and shall extend in a clean, horizontal line. (The flare, *terminal portion of the sideburn*, shall not exceed the width of the main portion of the sideburn by more than one fourth of the unflared width.) The sideburn shall be trimmed and neat in appearance.

Beards

The wearing of beards, Vandykes, goatees or other facial hair, *except as provided above*, is prohibited for all sworn members of the department.

2-1302.2 Hair Standards - Female

On duty, uniformed female employees shall arrange their hair so it does not extend below the top edge of the collar nor interfere with the proper wearing of the uniform hat. Hair shall be arranged so as not to interfere with vision in any way. Hair holding ornaments (barrettes, pins, clips), if used, must be transparent or similar in color to the hair. On duty, sworn, non uniformed employees shall maintain their hair so as to present a neat appearance consistent with their job assignment.

2-1302.3 Wigs and Hairpieces

Wigs and hairpieces shall not be worn unless they conform to the standards of natural hair.

2-1303. Ornamentation

Uniformed employees shall not wear any unauthorized ornamentation such as earrings, necklaces, bracelets, or large conspicuous rings. The wearing of a wristwatch and not more than two rings (a wedding set is considered one ring) is authorized with the uniform. No jewelry, watch chains, or similar items will appear exposed on uniforms. Pens and/or pencils may appear exposed if they are of a conservative color or if they match the color of the uniform accessories (i.e. black, blue, silver, gold). Any unauthorized item not a normal part of the uniform (i.e., flowers, pins, etc.) shall not be worn. Cosmetics are authorized if applied conservatively and in good taste. Safety is always a consideration and any particular items may be deemed inappropriate due to safety reasons.

2-1300.

2-1304. Uniform Appearance and Fit

All personnel will maintain a high standard of dress and appearance. Uniforms will be properly fitted, clean, serviceable and pressed as necessary.

2-1305. Gloves, Socks, T-shirts

Gloves, if worn, should be colored so as to match the uniform (black or navy blue). Gloves that are altered to allow more dexterity can be worn, however, alteration should be done in a neat fashion. Portions of socks exposed to view shall be black or navy blue to match the uniform. Portions of T-shirts exposed to view shall be white or black.

2-1306. Eyeglasses

Conservative style prescription eyeglasses and prescription or non-prescription sunglasses may be worn.

2-1307. Footwear

Boots and/or shoes should be solid black in color (including the edge of the sole). The footwear should be made of smooth grain leather or of a similar type of material so that a polished appearance can be maintained.

If boots are worn they must have snug fitting shafts so that trouser legs will fit smoothly over and not ride up on the boot. The commanding officer may temporarily authorize other types of footwear during severe weather.

2-1308. Uniforms - Commissioned Officers

2-1308.1 Winter Uniforms

The winter uniform will include the following components. Refer to diagram for specifics.

- Long-sleeved uniform shirt is worn with an open neck (top button unbuttoned). A white or black T-shirt may be worn under the uniform shirt. Attached to the shirt are the collar chevrons (collar insignia is worn by first class officers and above), whistle chain with whistle, nameplate, and badge.

2-1300.

- Officers may wear the department authorized black turtleneck with the flying eagle ECPD logo on it.
- A navy blue military style pullover sweater may be worn over the uniform shirt. The sweater shall bear Eau Claire Police Department patches, badge and name plate.

2-1308.2 Summer Uniform

The summer uniform will include the following components. Refer to diagram for specifics.

- Short-sleeved uniform shirt is worn with an open neck (top button unbuttoned). Attached to the shirt are the collar chevrons (for first class officers and above), whistle chain with whistle, nameplate, and badge.

2-1308.25 Items to be Worn With Each of the Above Uniforms

- The 8-point hat should be worn with the summer uniform. Either the 8 point or the trooper cap may be worn with the winter uniform.
- Uniform trousers are to be worn with a belt and gun belt.
- Black or Navy blue socks.
- Black shoes or boots

2-1308.3 Accessories Worn on Jackets and Other Optional Clothing

The only accouterments worn on jackets, coats, etc., are the badge (for all personnel) and the rank insignia (for supervisory personnel only).

- Sergeants wear stripes one-quarter inch below departmental patch on sleeve.
- Lieutenants wear single gold bar positioned on epaulet parallel to the shoulder seam one half inch from outside edge.
- Deputy Chiefs wear a gold oak cluster positioned on the epaulet with the stem facing the outside shoulder seam one half inch from that seam.

2-1300.

- Chief of Police wears a single gold star positioned on the epaulet one half inch from the outside shoulder seam.

2-1308.4 Honor Guard Uniform

The honor guard uniform will include the following components.

- 8-point hat with insignia centered in eyelet
- Long-sleeved uniform shirt is worn with an open neck and a white ascot. Attached to the shirt are collar chevrons, whistle chain with whistle, nameplate, badge, and white shoulder braid worn on the left shoulder.
- White gloves.
- Uniform trousers with white gun belt and accessories.
- Black boots or hard-soled shoes.

2-1308.5 Insignia and Accouterments

Non-supervisory personnel wear silver colored accouterments and supervisory personnel wear gold colored accouterments. The collar insignia should be worn as follows:

- First Class Officers - The silver collar chevrons are worn so that the bottom points of the chevron meet the V stitching on the shirt collar.
- K-9, FTO's, and TRT- The silver collar K-9, FTO, and TRT pins are worn on the right collar so the bottom edges of the pins meet the V stitching on the shirt collar. The silver collar chevron is worn on the left collar as described above.
- Sergeants - The gold colored chevrons are worn so that the bottom points meet the V stitching on the shirt collar.
- Lieutenants - A single gold bar is worn centered on the collar lengthwise/parallel to the stitching on the front edge of the collar.
- Deputy Chiefs - A gold oak cluster is worn centered on the collar with the stem facing out/parallel to the stitching on the front edge of the collar.

2-1300.

- Chief of Police - The gold star is worn centered on the collar lined up with the stitching on the front edge of the collar.

2-1308.6 Headwear

Headwear should be worn out of doors unless circumstances prevent its use. Some examples include excessive wind, the conducting of a building search, etc. Also, during extreme weather, the commanding officer may authorize appropriate substitute headwear as needed. The 8-point hat worn by personnel attaining the rank of Deputy Chief or above will include gold visor ornamentation (scrambled eggs).

2-1309. Civilian Clothing

Civilian clothing worn by a department employee, while on duty, shall be appropriate to his/her job assignment. Commissioned officers wearing civilian clothing for appearances in court or for their particular job assignment shall present a business like appearance. Acceptable attire shall conform to the following:

Male Employees - A business suit or sport coat and trousers with a dress shirt and neck tie.

Female Employees - A dress, pant suit, or a skirt or pants with a blouse, sweater or jacket.

2-1310. Uniforms - Non-Commissioned Personnel

2-1310.1 Telecommunicators

The uniform for Telecommunicators will include the following components:

- Authorized uniform shirts. (A dark blue, gray or black sweater or zipper/button cardigan sweatshirt jacket is optional.)
- Slacks or shorts, black in color, clean and in good repair, excluding sweat pants. Black shorts of modest length are permissible..
- Appropriate footwear.

2-1300.

2-1310.2 Community Service Officers (CSOs)

2-1310.2(A) Winter Uniform

The winter uniform for Community Service Officers will include the following components:

- Long-sleeved, light-blue uniform shirt is worn with an open neck. (Top button, unbuttoned.)
- A white or black T-shirt may be worn under the uniform shirt.
- CSOs may wear the department authorized black turtleneck with the flying eagle ECPD logo on it.
- A black windbreaker pullover maybe worn over the uniform shirt. The pullover shall bear the CSO patches on each shoulder.
- Navy blue uniform trousers worn with belt.
- Navy blue or black socks.
- Black shoes or boots.

2-1310.2(B) Summer Uniform

The summer uniform for Community Service Officers will include the following components:

- Short-sleeved, light-blue uniform shirt is worn with an open neck.
- Uniform trousers worn with belt.
- Navy blue or black socks.
- Black shoes or boots.

2-1400.

2-1400. SEXUAL HARASSMENT/DISCRIMINATION PROHIBITED.

2-1401. The issue of sexual harassment/discrimination has recently surfaced not only as a major employment problem for women but also as a component of sex discrimination. We will not tolerate sexual harassment/discrimination in this department.

2-1402. Sexual harassment is an infringement of an employee's right to work in an environment free from sexual pressure of any kind. While sexual harassment need not necessarily involve a male supervisor and a female subordinate, this has been the most common situation in which the problem arises. Pressure can come from a person of either sex against a person of the opposite or same sex and from peers as well as supervisors.

2-1403. Examples of sexual harassment include:

1. Explicit or implicit promise of career advancement in return for sexual favors (e.g., promotion, training, awards, details, lax time-keeping, lower standards of performance);
2. Explicit or implicit threats that the victim's career will be adversely affected if the sexual demands are rejected (e.g., non-promotion, poor performance appraisal, reassignment to a less desirable position/location);
3. Deliberate, repeated, unsolicited verbal comments, gestures or physical actions of a sexual nature (e.g., touching, pinching or patting another person).

2-1404. Title VII of the Civil Rights Act and the Wisconsin Fair Employment Law prohibits discrimination because of age, ancestry, arrest or convictions, color, creed, handicap, marital status, membership in the Military Reserve, national origin, race, sex, and sexual orientation in all employment practices including conditions of employment.

2-1405. Employee conduct whether intentional or unintentional, that results in harassment of other employees regarding race, color, religion, sex or national origin is illegal and will not be tolerated. Such conduct will result in disciplinary action, including possibility of discharge. (In conjunction with 6-500).

2-1400.

- 2-1406.** All employees are to be treated with respect, courtesy and tact. Conduct that is personally offensive to others will not be tolerated. Abusing the dignity of anyone through ethnic, sexist or racial slurs or other derogatory or objectionable conduct is cause for disciplinary action. Included in this area of offensive employee behavior are suggestive remarks, physical advances or intimidations, sexual or otherwise.
- 2-1407.** If any employee is subjected to offensive conduct, it should be reported to a supervisor, commanding officer or the chief of police immediately for prompt investigation.
- 2-1408.** All employees shall cooperate fully in investigations of sexual harassment complaints. Retaliation against employees reporting or cooperating in such investigations is prohibited and may lead to discipline up to and including dismissal.

2-1500.

2-1500. OFF-DUTY OFFICER RESPONSIBILITIES

Off-duty police officers have the same peace officer authority under Wisconsin Statute 62.09(13) as they have when on duty. Off-duty officers have peace officer authority to take action in any situation where a public offense has been committed, to take action in any situation where there is probable cause to believe a public offense has been committed, and to take action in any situation where there is an immediate danger to person or property and the perpetrator of such offense is likely to escape. However, off-duty officers should:

- Not take advantage of their police authority in circumstances arising from their own quarrels, those of their families, or those of their neighbors unless serious circumstances exist,
- Be aware that the provisions of the Identification of Police Officers policy requires that police officers, not in uniform identify themselves prior to taking any enforcement or corrective action unless precluded by existing circumstance or condition. In the latter event, officers shall comply with this policy as soon as possible.

2-1600.

2-1600. IDENTIFICATION OF POLICE DEPARTMENT EMPLOYEES

2-1601. The department and the community have a legitimate concern that unidentifiable department employees provide proof of identification. Any contact between any employee and a citizen results in obligations and responsibilities for both parties. It is extremely important that there be no doubt in the mind of a citizen that he is dealing with a police officer. There is the added concern that the department provide procedures which protect the community from individuals who, for whatever the reason, would impersonate a police officer. To provide these protections and to stress the importance of police department identification the department requires that:

- All police department employees will identify themselves by name and rank when requested to do so. (In conjunction with 2-1502.)
- Officers on or off duty and not in full police uniform identify themselves as police officers prior to taking any enforcement or corrective action. This also applies to gathering any police information unless the assignment, by its nature, (e.g. undercover activities) precludes such identification,
- Plain clothes officers on duty offer their credentials for examination to all persons whom they officially contact. A badge by itself is not sufficient identification without an official department identification card,
- A police officer in full uniform presents his/her official identification card if his/her identity is in any way questioned by a citizen who, the officer feels, is sincere in his/her request and honestly has doubt about the officer's identity,
- Plain clothes officers on duty, involved in a police group action, pin or affix their badge on their outer garment in situations where their identity may be questioned by either citizens or other police officers.

2-1700.

2-1700. TRANSPORTATION AND TREATMENT OF PRISONERS

The department recognizes its moral and legal responsibility to treat arrested persons humanely. Recognizing its responsibility to the community and to the arrested person, the Department will take all reasonable precautions required to transport prisoners securely and safely and prevent their escape.

Officers transporting arrested persons to the police station do not relinquish responsibility for the prisoner's safety until that person is incarcerated or released. Transporting officers should realize that they are civilly and criminally liable for failure to take precautions to insure the prisoner's safety, failure to insure speedy and adequate medical attention if circumstances require, and any unreasonable use of force.

Officers must be prepared for any eventuality and should take appropriate action to protect themselves, e.g., searching persons physically arrested, The department's Use of Force Policy provides guidance whenever force might be required to apprehend and place a suspect into custody. All officers are to act in accordance with its provisions.

2-1800. GENERAL REGULATIONS

The purpose of these general regulations is to control and prohibit conduct that tends to undermine the policy, goals, good order, and/or efficiency of the department. The regulations herein established are primarily intended to promote the end of providing fair and efficient police service for the community. Further, these regulations are intended to be equitable to those who are expected to work by them. Fairness to both the community and department personnel is achieved through a process of careful consideration and constant review.

These regulations are not designed to make every irregular, mischievous, or improper act a disciplinary offense. Rather, their reach is limited to conduct that is directly and palpably - as distinguished from indirectly and remotely - prejudicial to good order, discipline, morale and efficiency and tends to destroy public respect and confidence.

Police personnel comprise a special class of public employee. Members of the police department are the most conspicuous and visible representatives of government. The members' conduct is closely scrutinized, and when it is found to be excessive, unwarranted, or unjustified, criticism is more severe than it would be for similar conduct of persons in other walks of life. The end result of criticism is lost community support and respect, both are necessary ingredients to the department's capacity to perform the police function. Therefore, close adherence to departmental regulations is absolutely essential to guarantee community support and to maintain effective police service.

In determining what disciplinary action should be taken, the Chief of Police may consider the following:

- All the circumstances surrounding the case.
- The seriousness of the employee's conduct in relation to his/her particular duties and his/her record with the department.
- What action the department has taken to prevent this type of conduct.
- The contemplated corrective action in light of its training value rather than strictly as a punishment for the offense.
- The disciplinary action of a corrective nature that the department has taken in similar instances.

2-1800.

- The probable cause of the employee's behavior.
- What corrective action will most likely eliminate the cause and prevent a recurrence.
- The officer's expected reaction to the corrective measure.
- The probable reaction of other officers to the corrective action.
- Past record of member. Repeated violators will be dealt with more severely.

2-1801. Regulations Prohibiting Misconduct

Any member of the Eau Claire Police Department may be punished pursuant to procedure in 6-500 in the event that any of the following regulations, which constitute misconduct, are violated. Discipline will be consistent with departmental policy established in 6-600.

2-1802. Members of the department shall be held responsible for:

- proper performance of any and all duties assigned to them,
- strict adherence to the regulations adopted from time to time for the administration of the department.

It will not be received as an excuse or justification for anything that they may do contrary to the regulations, or for anything that they may omit to do, or that they followed the advice or suggestion of any other person, whether that person is connected with the department or not, except when an officer of higher rank may take upon himself/herself the responsibility of issuing direct and positive orders.

2-1803. No member shall act or fail to act in such a fashion that constitutes a breach of any applicable policy, order, or procedure outlined in other sections of the manual.

2-1804. Dereliction of Duty

Members of the department shall not act in such a manner as to deprive any member of the community of the equal protection of the laws.

2-1800.

It is required of all members of the department that they evidence no bias in the performance of their professional duties. This regulation is intended to prohibit omissions as well as specific actions which are based on citizens' race, color, sex, or creed. Equality of treatment of all citizens requires that political or fraternal affiliation, racial and religious identification, national origin, and economic status must be disregarded in favor of uniform, fair, and similar treatment of all individuals.

2-1805. Members of the department shall not be overbearing, oppressive, or tyrannical in their relations with members of the community.

This regulation includes within its prohibition all clearly recognizable actions which serve to breed disrespect for the department and its members. Actions are clearly recognizable if they constitute gross breaches of the public's support. Examples of gross breaches of the public's support include:

- Unreasonable orders given to citizens.
- Unreasonable warnings to control conduct not within the scope of the member's lawful authority.
- Any threats to use authority not clearly available to the member at the moment.

These examples are only illustrative - they are not intended to be exclusive.

2-1806. Members of the department shall not use insulting, defamatory, or obscene language in the performance of their duties.

This regulation is intended to cover citizen contacts and intra-departmental contacts. The regulation is in line with community relations and individual dignity policy established in 3-100 or 3-300.

2-1807. Supervisors shall not act so as to exhibit disrespect for subordinate members of the department.

This regulation is intended to prohibit the overt action or communication that directly displays a supervisor's disrespect toward a member of the department. (To be a direct display, the action must occur during a subordinate-supervisor transaction or immediately thereafter.)

2-1800.

- 2-1808.** Members of the department shall not ignore flagrant violations of the law which may come to their attention through citizen complaints, by their own observations, or through their own investigation. This regulation is intended to prohibit flagrant neglect of the duty to enforce the laws and ordinances of the jurisdiction. The regulation prohibits willful neglect or failure to enforce the laws and ordinances. It is recognized that discretion and justified priorities call for less than total enforcement, but there is no excuse for unreasonable failure to enforce the laws which each officer is sworn to uphold. With regard to off-duty officers' responsibilities, see 2-1500.
- 2-1809.** Members of the department shall properly respond to radio calls or suspicious circumstances, without unreasonable delay.
- Proper response to a radio call dictates that initial response be carried out with necessary and reasonable dispatch. Any member who fails to take appropriate action on matters brought to his/her attention is guilty of dereliction of duty, if the failure amounts to a gross neglect of duty. Gross neglect is distinguished from mere mistake or poor judgment, because it consists of willful neglect in the face of obvious conditions warranting investigation or other police action.
- 2-1810.** Members of the department shall not engage in any activity which does not pertain to departmental business while that member is on duty, unless prior permission has been given.
- 2-1811.** Members of the department shall not submit reports which are either inaccurate or incomplete.
- The purpose of this regulation is to control the incompetent member who continually, through carelessness or other reason, fails to submit proper reports. The regulation also prohibits a member's failure to distinguish between hearsay, fact and opinion, or conclusions.
- 2-1812.** Members of the department shall not leave their designated beat, or the city limits while on duty unless they have permission from their immediate supervisor.
- 2-1813.** Members shall not be absent from duty without permission from a supervisor. In the event of sickness, proper notification to one's supervisor is necessary prior to the time designated for reporting to duty.

2-1800.

Notification, when proper conditions for sick leave exist, includes telephone notification or the filing of a written report, when possible, prior to the hour scheduled to report for duty. Extenuating circumstances might make timely notification impossible, in which case notification within a reasonable time is necessary.

2-1814. Members of the department shall not sleep, idle, or loaf while on duty.

2-1815. Any member of the department feeling aggrieved at the treatment or orders of a supervisor, or any member or employee wishing to call attention to any matter of police business or neglect of duty, or to make suggestion for the improvement of the service, shall communicate in writing with the Chief of Police. When necessary, such communication will be followed by a personal interview. Supervisors shall forward such communications directly to the Chief of Police.

2-1816. Supervisor's shall not knowingly permit members of their command to violate any law, departmental policy, or procedure.

2-1817. Members of the department shall be punctual in reporting for duty at the time designated by their supervisors. Habitual failure to report promptly at the time directed will be deemed neglect of duty.

2-1818. Members of the department while on duty shall maintain proper attire and a state of cleanliness and orderliness. Refer to 2-1300.

2-1819. Untruthfulness

This regulation prohibits withholding of evidence from a judicial proceeding, perjury, untruthful statements made within the department,

false public statements, and any other misrepresentations by members of the department. The regulation does not require divulgence of matters prohibited in 2-1840.

2-1820. Members of the department shall not knowingly make false official reports, or knowingly enter or cause to be entered, in any departmental book, record, or electronic recording any inaccurate, false, or improper information.

2-1821. Excessive Use of Force

Members of the department shall act at all times within the standards for use of force established in 4-900 and 4-1000.

2-1800.

2-1822. Violations of Law

Members of the department shall not engage in unlawful conduct which, if committed in Wisconsin, could constitute a violation of law, unless the conduct is lawful in the jurisdiction in which it is committed.

2-1823. No game of chance for stakes or wagers shall be played in any building of the Police Department.

2-1824. Bribes, Acceptance of Gifts, Solicitation

No member shall accept a bribe, reward, fee, or gift for services rendered as a member of the department.

This section includes acceptance of anything of value such as meals, coffee, etc., which is not available or offered to the general public. This regulation does not prohibit the receipt of anything of value from another governmental agency or public service organization. Furthermore, approved off-duty employment governed by city ordinance and existing labor contracts are also not prohibited. It is the appearance that a member's authority is being misused for personal gain that can undermine the public's trust in the department.

2-1825. No member of the department shall solicit money or contributions for any organization or business while on duty, while dressed in the department's uniform, or while representing himself/herself as a member of the department. No member of the department shall solicit anything of value for the department without the permission of the Chief of Police. This is not applicable to solicitation for association-sponsored functions.

2-1826. Mistreatment of Prisoners

No member of the department shall use force on a prisoner other than that necessary to restrain said prisoner from doing harm to himself/herself, to others, or to property.

This regulation is in conformance with the policy established in 2-1700.

2-1827. Members of the department shall not leave prisoners unattended. The department recognizes the extreme circumstances (i.e., life saving efforts, assisting persons in jeopardy, multiple suspects with one officer, etc.) may necessitate leaving a prisoner unattended for short periods of time. Consideration should be given to the safety and security of the unattended person.

2-1800.

2-1828. Misuse of Firearm

Members of the department shall strictly adhere to guidelines established in 4-900 for use of firearms, and at no time shall act negligently or in disregard of utmost safety in handling a firearm.

Any unjustified use of the firearm, whether it is excessive use in the line of duty or simple horseplay that may constitute danger to others, is covered by this regulation. Any disregard for safety required in handling of firearms, whether the conduct constituting disregard occurs on or off duty, is covered by this regulation.

2-1829. Range and Firearms Qualification Policy

All commissioned members of the department shall qualify with departmental authorized firearms in compliance with the following guidelines.

2-1829.1 Individual results of all ordnance and weaponry training shall be reviewed and retained by the Training Officer in the Special Services Bureau. Courses of fire of all shoots and scheduling will be established by the Firearms Committee.

2-1829.2 Mandatory Requirements

- (1) Officers are required to participate in a minimum of eight shoots per year at a rate not to exceed one per month utilizing their department-issued weapon.
- (2) Officers must meet training objectives for the course of fire.
- (3) Exemptions to 2-1829.2 (1) (2) (3) shall specifically be addressed in writing to the Chief of Police or his/her designee
- (4) Any other deviations from the stated requirements and policy may be granted only by the Police Chief.
- (5) Qualification with a personally owned weapon is the responsibility of the individual officer quarterly. Such qualification may be accomplished in conjunction with the regular scheduled departmental shoots.

2-1800.

- 2-1829.3** No officer will receive shoot pay if shooting while on duty.
- 2-1829.4** During departmental shoots and in-service range activities, the designated range instructor is in charge of the facility and personnel present.
- 2-1829.5** The outdoor range can be utilized seven days a week only between the hours of 0600 and 2300.
- 2-1829.6** Activities at the outdoor range must be coordinated with the commander of the Special Services Bureau or their designee. A key for the range is available at headquarters for authorized users.
- 2-1829.7** Any time that firearms are being discharged at the outdoor range, two persons shall be present. A phone is available in the event of an emergency. The second person present must be of sufficient age to contact the communications center in the event of such an emergency. The appropriate emergency numbers are located above the telephone.
- 2-1829.8** It is required that all persons in close proximity to the outside range firing line, wear ear and eye protection. Protective equipment will be available at the range.
- 2-1829.9** If an injury of any kind occurs while using the outdoor range, the following shall apply:
1. Render all necessary medical assistance and notify the Eau Claire Communications Center.
 2. Notify the Patrol Commanding Officer as soon as possible.
 3. Full statements by all involved parties must be provided detailing all information surrounding the incident.
- 2-1829.10** Members, agents, officers, representatives, employees (on- or off-duty) or invitees are NOT to take part in, or allow, ANY firing or handling of weapons, or operation/maintenance of the range, in any form, if that individual is impaired due to alcohol (with a blood alcohol concentration in excess of .00 percent), drugs, or other reason which would create an unsafe environment.
- 2-1829.11** The outdoor range is located on land owned by the City of Eau Claire. Unauthorized use of this facility or its property is prohibited.

2-1800.

- 2-1829.12** The Eau Claire Police Department outdoor firearms training facility may be utilized for firearms training by any authorized person. Use of this facility for any other purpose must have prior approval of the Chief of Police or City Manager.
- 2-1829.13** Ordinance training other than "normal" firearms training, i.e., explosives, gas munitions, etc., must have prior approval of the Chief of Police.
- 2-1829.14** All persons present on this facility are subject to the above policy and attached Eau Claire Police Department range Firearms Safety Rules.

2-1830. Insubordination

Members of the department shall promptly obey any lawful order emanating from any supervisor. Should any such order conflict with a previous order, with any regulation, policy or procedure of the Department, the member to whom such order is given shall respectfully call attention to such conflict or any other conflict which may arise from such order. If the officer giving the last order does not change the same, so as to obviate such conflict, his/her order shall stand and the responsibility shall be his/her and the person obeying the same will not be held in any way responsible for disobedience of any orders theretofore issued. If any unlawful order is given to any member of the department, such member will promptly report fact to the Chief.

- 2-1831.** Members shall not act as to exhibit disrespect for a supervisor.

This regulation intends to prohibit the overt action or communication that directly displays a member's disrespect toward a supervisor. (To be a direct display, the action must occur during a supervisor-subordinate transaction or immediately thereafter.)

- 2-1832.** Members of the department shall not publicly criticize the operations or personnel of the department if such criticism clearly undermines the discipline, harmony, or general efficiency of the department.

The department recognizes that its members retain rights to expression and freedom of speech granted by the Constitution whether on or off duty. However, these rights must not allow for conduct which is disruptive of the proper function of the public's business. Generally, conduct within the prohibition of this regulation includes open, public statements or overt actions as opposed to private forms of expression

2-1800.

and conversation. Further, more general statements of criticism fall outside the scope of this regulation, while specific criticism of specific members of the department, orders, or operations falls within the scope of this regulation. In any event, abusive, frivolous, or deliberately constructed false criticism is prohibited.

2-1833. Members of the department shall not, under any circumstances or in any manner whatsoever, speak critically or derogatorily to other members of the department regarding the orders or instructions issued by supervisors. In any case, when there is sound reason to believe that such orders or instructions are inconsistent or unjust, it is the right and duty of a member to appeal to higher authority in the department.

2-1834. Members of the department must cooperate in any official internal investigation of alleged misconduct, illegal activity, or impropriety. Failure to answer questions or submit to proper investigative techniques constitutes insubordination.

2-1835. Deliberation or discussions among members conveying censure toward other members of the department, and all publications or communications of a personal nature relating to official transactions within the department, are prohibited.

The regulation is intended to prohibit the internal criticism which meets the "disruptive" test of the public criticism regulation (2-1832). However, it should be noted that internal dissension and criticism becomes disruptive more easily than public criticism due to the fact that the department's law enforcement function requires a high level of internal discipline to guarantee efficiency, honesty, and equity in the public service. This regulation is not intended to limit any agreement under any existing labor contracts.

2-1836. Any permanent commissioned member of the Eau Claire Police Department who participates in any mass absence-without-leave constituting a strike within the terms of the Wisconsin State Statutes, Section 111.70(L), and who fails to return to duty upon order of the Chief of Police, shall be immediately suspended for insubordination and engaging in illegal activity.

In the event such permanent commissioned members participate in said strike for a period exceeding twenty-four (24) hours, the Chief of Police may thereupon take immediate steps to discharge or take disciplinary action against said violators.

2-1800.

In the event probationary commissioned members participate in said strike and fail to return to duty on a specific order to each probationary commissioned member by the Chief of Police, that member may be summarily discharged from the Department.

- 2-1837.** Members of the department shall not develop personal associations with persons or places known to them as being engaged in frequent criminal activity.

The purpose of this regulation is to protect the department and all of its members from charges of impropriety and conflicts of interest. Personal associations consists of more than a single occurrence, more than general contacts or more than associations that may develop in the line of official police business. If, over a period of time, a member continues to frequent establishments engaged in illegal activity or continues to carry on private business with a known criminal, he/she is in direct violation of this regulation.

- 2-1838.** Members of the department shall not request the aid of any person outside of the department to have them transferred to another assignment or beat, or to have them restored to any assignment or beat from which they have been removed by order of a superior officer, or to have them promoted to a higher rank in the department. They shall not knowingly permit any petition to be formulated or presented by citizens in their behalf requesting such transfer, restoration, or promotion.

This regulation is not intended to prohibit members seeking legal redress for grievances.

- 2-1839.** Members of the department shall not recommend to any prisoner the employment of any particular person as his/her attorney or counsel, or suggest the name of any lawyer or person to a prisoner with a view to his/her defense.

They shall not either directly or indirectly interfere or interest themselves in any manner whatever in the employment of any attorney to aid any potential litigant.

- 2-1840. Mishandling of Police Records**

Members of the department shall not divulge the contents of police records to anyone outside of the department without first obtaining permission from the Custodian of Records (the Records Division

2-1800.

Supervisor) or their designee. Nor shall any member of the department divulge any matters relating to official police business without first receiving authorization from his/her Supervisor.

For purposes of this policy, official records include, but are not limited to, all handwritten, electronic, or printed documents to include photographs, recordings, and other information held by the department.

This regulation is to be read in conjunction with news media relations' policy, see 5-100.

2-1841. No member of the department, unless authorized to do so for a specific purpose, shall have access to the official records of the department.

This regulation intends to prohibit all unofficial use of police records. Tampering with police records by members of the department is prohibited.

2-1842. Misuse of City Property

Members of the department shall drive their police vehicles with safety at all times.

A high degree of negligence in the operation of a police vehicle is a serious breach of the public's trust and is prohibited by this regulation.

Recklessness is the type of conduct which manifests disregard for life and property whether it is in hot pursuit or preventive patrol. This regulation is to be read in conjunction with guidelines for operation of emergency vehicles established in 4-800.

2-1843. No member of the department shall use a departmental vehicle for trips outside the city without permission of his/her Commanding Officer.

2-1844. Members of the department shall be responsible for the good care of departmental property, whether fixed or movable, assigned to their use or keeping. They will promptly report to their Commanding Officer, in writing, the loss of, damage to, or unserviceable condition of such property. Roughness or carelessness in the handling of such property shall not be tolerated. Any member found responsible for the destruction or loss of city property, either through willfulness or negligence, may be required to pay all costs of repairs or replacement thereof. They may also suffer any penalty imposed for the violation of this regulation.

2-1800.

- 2-1845.** Members of the department shall not use the police radio except for official police communications. At no time shall a member use discourteous, obscene, or disrespectful language during the transmission of a radio message.

This regulation includes any unwarranted use of any part of the police emergency communications system.

- 2-1846.** Members of the department shall not use any departmental property for private purposes, unless the permission is first obtained from the Chief of Police.

2-1847. Misappropriation of Private Property

Any unjustified seizures of property by a member of this department are prohibited.

This regulation is intended to be read in conjunction with standards for searches, seizures, and inventories of motor vehicles established in 4-300.

- 2-1848.** Members of the department shall take all precautions necessary to guarantee the proper handling of evidence, and any property seized, received, or found.

The regulation is intended to prohibit deviations from property handling procedures and alert members to their responsibility of protecting and keeping track of property taken or received from citizens or prisoners.

Members shall conform to current departmental procedures for the handling of evidence and property. All evidence, found, received or confiscated property will be delivered to the Property Room. A written record of the property's disposition after its initial receipt shall be included in the officer's report.

2-1849. Failure to Meet Financial Obligations

Members of the department shall promptly pay all debts and legal liabilities.

This regulation is intended to deal with a narrow portion of conduct that is the result of financial irresponsibility. Financial hardship cases are not necessarily subject to discipline unless a gross recklessness of

2-1800.

credit-spending is manifest. Any member who engages in conduct prohibited by this regulation is placing himself/herself in a potentially compromising position with the creditor. For that reason this regulation has been included.

2-1850. Use of Intoxicants

Members shall not consume intoxicants at any time after reporting for a duty shift and until said tour of duty ends, unless it is appropriate in the performance of an official assignment; in such cases there must be prior approval in writing from the member's Commanding Officer. No member shall consume any intoxicants to such a degree that it impairs his/her on-duty performance. This policy extends to any schools, conferences, or other assignments during which members are compensated by the City of Eau Claire. (Refer to 2-1200 and 2-1900)

2-1851. Use of Prescription and Non-Prescription Drugs

While the use of prescription and non-prescription medication does not call for prior approval of the Commanding Officer, no medication shall be taken to such degree that it impairs an employee's on-duty performance.

The use of illicit drugs and the abuse of prescription or non-prescription medication are prohibited. (Refer to 2-1904.1(a)(6))

2-1852. Immorality

Members of the department, while on duty, shall not engage in any conduct evincing moral turpitude.

This regulation prohibits immoral or offensive conduct. Such conduct includes the following:

- Offensive sexual solicitations.
- Offensive or indecent behavior in the presence of a minor.

These examples are illustrative and not meant to be exclusive.

2-1853. Required Reports

Members of the department shall report all violations of the department's regulations, policies, orders, or procedures.

2-1800.

2-1854. Members of the department shall, except as otherwise provided, make all applications or official reports in writing, signing their full names thereto, with their rank and the unit to which they are assigned. If sent upon any investigation, they shall report, as soon as possible, what action was taken in the matter, as prescribed under current departmental reporting regulations.

2-1855. Members of the department shall communicate promptly as specified in standard reporting procedures, all crimes, deaths, attempted suicides, fires, accidents, complaints and information of which the department normally takes cognizance. No member shall withhold tips or information with a view to personal achievement or for any other reason.

All of the information of which the department takes cognizance is impossible to specify. The regulation is intended to be illustrative of the kinds of important happenings which must be reported. Members should be aware that over reporting is not a violation of the regulations while under reporting is a violation; therefore, when in doubt, be safe and submit a report.

2-1856. Members of the department shall promptly report to their Commanding Officer any accident with any departmental motor vehicle operated by them or in their charge. In all cases in which departmental or city vehicles are involved in accidents, a uniformed officer shall be detailed to make a regular accident report at the accident scene.

2-1857. Members of the department shall report any changes in address, permanent domestic status, or telephone number within twenty-four (24) hours after making such changes by promptly submitting such information on an Officer's Report to the Chief's Office and Commanding Officer. All members of this department shall maintain telephones in their homes. In the event an officer is unable to obtain a telephone promptly after having changed his/her residence, he/she will notify his Commanding Officer of a telephone number at which he/she may be reached in cases of emergency.

2-1858. Search Warrant

Members of the Department shall not apply for any search warrant, or serve any such warrant without the knowledge and approval of their supervisor. Upon approval of such warrant, the supervisor shall notify the patrol commanding officer and the communication staff of location and other appropriate information pertaining to the warrant. No unauthorized

2-1800.

person(s) shall be involved in the execution of any search warrant. This includes media, ride-alongs, chaplains, or non-involved observers from other agencies. The patrol commanding officer shall verify that the communication center has been notified. A supervisor shall be present at the execution of the search warrant.

2-1859. Miscellaneous Regulations

Members of the department are prohibited from interfering in the normal processing of traffic/parking citations or otherwise disrupting the enforcement of the law by other members of the department. This regulation is intended to protect the members of the department in the discharge of their duties from undue influence by fellow members.

In most cases, disruption of enforcement consists of attempting to change an enforcement decision made by another. If a superior officer orders a change in an enforcement decision and a subordinate feels this constitutes a disruption of his/her enforcement decision, the subordinate should follow the procedure outlined in 2-1830 and 2-1815.

2-1860. Members of the department shall not communicate with the news media for the purpose of personal gain or advancement.

This does not preclude supervisory personnel, or others at their direction, from discussing department initiatives and cases of public interest, when appropriate.

2-1861. Any member of the department who may be placed temporarily in a position of higher rank by the Chief of Police, shall be held responsible in like manner as if regularly appointed to such high office. He/She shall be careful not to interfere with or countermand any order issued by the member whose place he/she temporarily occupies, except when the expediency of the police business demands.

2-1862. Members of the department are prohibited from making or causing to be made, any duplicates of departmental keys, without the approval of the Chief of Police or his /her designee.

2-1863.1. Bills for expenses necessarily incurred by members of the Department in connection with their official duties shall be promptly submitted to the Administrative Services Supervisor. Such expense vouchers shall bear an itemized account of expenditures, together with a brief explanation of the reasons for the expenses incurred. Communication Center expenses

2-1800.

are submitted to the Director of the Communication Center.

2-1864.

Members of the department shall not recommend nor suggest to any person a particular towing or emergency road service, corporation or company. If no preference is indicated, the next designated towing service will be contacted pursuant to the guidelines established by the Eau Claire Towers Association. Said guidelines include the notification and dispatching procedures.

The towing service contracted for the City will be notified to tow Department vehicles or those vehicles impounded pursuant to a lawful investigation.

2-1900.

2-1900. CHEMICAL SCREENING POLICY

2-1901. PURPOSE

The menace of drug abuse in our society as a whole is well known to all members of the Eau Claire Police Department. As we continue to grapple with this problem, we are particularly concerned about the potential dangers to the safety of all members of the police department, both in the "street" and the "personal" sense regarding the dangers of drug abuse.

As members of the Eau Claire Police Department, we must take the lead in addressing the potential for use and abuse of alcohol, prohibited controlled substances, narcotics, and other illicit drugs by our own members. Further, the department must clearly state the standards of conduct that are required of a member of this department before a member of the department is held to that standard.

We who are entrusted with the duty to protect the community, recognize that it is both of paramount public interest that members of this department be drug-free and of personal interest to each of us to foster a drug-free department, as directed in the Drug Free Workplace Act of 1988.

2-1902. OBJECTIVES

Provisions of a clearly defined departmental procedure are hereby provided for chemical screening:

- Upon employment
- During the probationary period
- Upon promotion
- During the term of special assignment (such as the Drug Enforcement Group)
- Upon reasonable individualized suspicion

These objectives are intended to identify employees with chemical problems, correct such problems constructively, and maintain the integrity of the department.

2-1900.

2-1903. DEFINITIONS

In this policy, the following words and terms shall have the meaning ascribed to them as follows:

- 2-1903.1** Employee - Any person who directly or indirectly is under the supervision of the Chief of Police.
- 2-1903.2** Supervisor -Those employees assigned to a position having day-to-day responsibility for supervising subordinates, or responsible for commanding a work element.
- 2-1903.3** Chemicals -As used within this policy and related reports or documents are narcotics, prescribed & non-prescribed drugs, controlled substances, as defined and prohibited under Wisconsin statutes, Chapter 961, and alcohol; including, but not limited to: amphetamines, barbiturates, cocaine, THC(marijuana),alcohol(ethyl),opiates (codeine, morphine, heroin),and PCP to name a few but is not meant to be all inclusive or exhaustive. Inclusive of the foregoing is Chapter 961 of the Wisconsin State Statutes for definition purposes.
- 2-1903.4** Chemical Screening - The production or submission of breath, urine, or blood by an employee in accordance with departmental procedures for chemical analysis to detect the presence of chemicals within the specimen.
- 2-1903.5** Reasonable Individualized Suspicion (FOR CAUSE) - A basis predicated upon cause, upon which employees will be required to undergo a chemical screening. Reasonable individualized suspicion shall be based on objective facts that the employee is using or is under the influence of a chemical in the workplace based upon the observations and investigation of two (2) supervisors who have completed supervisor awareness training as set forth in this policy. (It is the Administration's position that performance is or could be affected by an individual using or being under the influence of chemical substances within the workplace).
- 2-1903.6** Probationary Employee - For the purpose of this policy only, a probationary employee shall be considered to be any person who is conditionally employed as a new-hire with the department.
- 2-1903.7** Promotion - A change in assignment to a supervisory position or an increase to a higher supervisory rank.

2-1900.

2-1904. GUIDELINES

2-1904.1 Rules: The following rules shall apply to all applicants, probationary, and permanent employees.

- A. No employee shall illegally possess any controlled substance.
- B. No employee shall ingest/inject any controlled substance, as defined under Wisconsin statutes, unless as prescribed or directed by a licensed medical practitioner.
- C. No employee shall ingest/inject any prescribed medication in amounts beyond the recommended dosage.
- D. Employees shall be responsible for the prudent use of over-the-counter medications.
- E. Any employee who unintentionally ingests/ injects, or is made to ingest/inject a controlled substance shall immediately report the incident to their supervisor so that appropriate medical steps may be taken to ensure the officer's health and safety and the health and safety of other departmental employees and the public.
- F. With the intent of this policy being to identify employees with chemical problems and constructively correct such problems, the following related departmental policies should be reviewed and adhered to:

2-1850	Use of Intoxicants
2-1851	Prescription and Non-Prescription Drugs
2-1852/2-1854	Required Reports

2-1904.2 Screening Upon Employment

All candidates for employment or transfers to the department ~~shall be required to submit to a chemical screening as part of the employment screening process.~~ Any applicant refusing to submit or having a confirmed positive test for non-prescribed illegal drugs or prohibited controlled substances may be disqualified.

2-1900.

2-1904.3 Screening During The Probationary Period

All probationary employees shall be required, as a condition of employment, to participate in one unannounced mandatory chemical screening during the probationary period. Refusals or confirmed positive tests may invoke dismissal from the department.

2-1904.4 Chemical Screening Upon Promotion

As part of the promotion process, a successful candidate shall be required to submit to a chemical screening. To refuse to do so may remove the candidate from the promotional process. A confirmed positive test may remove the candidate from being eligible for the promotion and shall be dealt with as determined by the Chief of Police, in accordance with the other provisions of this policy. This Chemical Screening shall be administered with a minimum of 24 hours notice.

2-1904.5 Chemical Screening for Special Assignment

- A. In order to maintain the integrity of an affected unit, its personnel, and the department, as a condition of acceptance and prior to assignment to primary duties of narcotics/vice investigation or the regular handling of drug evidence, an employee shall submit to a chemical screening.
- B. Refusal to submit to screening may remove the employee from consideration for the assignment.
- C. One random test shall be performed during each calendar year of the special assignment. This will be in addition to any testing conducted or provided by any other law enforcement organization
- D. This section is to include, but is not limited exclusively to: MEG Unit assignment, Detective Division assignment to primary drug/vice investigation, other undercover drug investigation assignment, the Property Officer position and other personnel assigned to the property function on a regular basis.

Any confirmed positive result shall be dealt with as determined by the Chief of Police in accordance with the other provisions of this policy. For the purposes of this policy, an "assignment" shall be an appointment, which is expected to exceed 30 calendar days.

Revised Date 12/31/99
Revised Date 01/15/01
Revised Date 03/29/04

2-1900.

2-1904.6 Chemical Screening Based Upon Reasonable Individualized Suspicion

All employees are reminded that unusual behavior on the part of another person can be caused by a number of reasons totally unrelated to chemical influence in the workplace. Some examples are personal problems or those involving the employee's family, medical condition/reasons, job stress or related problems, and financial problems.

Screening shall occur only when two (2) supervisors, trained as provided in this policy, determine that reasonable individualized suspicion exists that an employee is using or under the influence of a chemical in the workplace. Documented reasonable individualized suspicion shall require the employee to submit to a chemical screening.

The two (2) observing supervisors shall consider whether any or all of the following factors exist, or whether any other reasonably pertinent factors are present, in making a determination whether reasonable individualized suspicion exists:

- Obvious impairment, odor of intoxicants, speech, and appearance;
- Performance problems, acts and/or omissions;
- Change in behavior or loss of judgement;
- Accident or injury prone.

Supervisors are advised that no third party observations or claims shall warrant the supervisors to proceed with testing of an employee. Any employee can initiate this process through a non-involved supervisor where the employee has a reasonable basis to believe that another employee is illegally using drugs/narcotics or is or has been under the influence of a chemical while in the workplace. ONLY the personal observations and/or investigations of two (2) supervisors shall collectively warrant a testing. This statement is aimed at supervisors who are informed by another employee or citizen that an employee is possibly under the influence of a chemical while in the workplace. It mandates the two supervisors to make independent initial observations. Subsequent to these independent observations, and as a team, they shall decide whether chemical screening is warranted. (All observations and the investigation shall be documented by the supervisors on the Supervisory Report "Chemical Screening Based Upon Reasonable Individualized Suspicion.")

2-1900.

Prior to any screening based upon reasonable individualized suspicion, the supervisors shall provide to the employee a written advisory stating the requested screening is based upon causes specified therein. The involved employee shall sign and date said advisory as will requesting supervisors, the latter providing copy of same to the investigated employee. Should the employee refuse to sign said advisory, the supervisors shall mark the signature area "refused" and fill in the date and time information beneath the signature space. Failure to sign the advisory shall not preclude the employee from submitting to the screening.

Any refusal to provide the required specimen(s) constitutes insubordination. Circumstances leading to the order to submit a specimen (Reasonable Individualized Suspicion) and a refusal to submit (insubordination) shall be reviewed by the Chief of Police and discipline may be administered up to and including dismissal.

2-1905.

CHEMICAL SCREENING PROCEDURES

Each employee shall be interviewed by testing personnel prior to any test in order to ascertain and document the recent use of any prescription or non-prescription drugs, or any indirect exposure to drugs that may result in a false positive test result.

All testing shall be done at a medical site. If required, the employee shall sign any consent forms for the purpose of obtaining the specimen of blood or urine and the release of the results to the Eau Claire Police Department, namely the Chief of Police or his/her authorized designee. By signing the consent form the employee does not waive any claims or cause of action on his/her part as permitted by law or collective bargaining agreement currently in effect.

The collection of blood or urine shall be monitored by trained, qualified, medical personnel (i.e. doctor, nurse, and medical technician). Direct observation of a urine sample will occur only under two circumstances:

- a) When it is believed that the sample is being tampered with; or
- b) When it is believed in the medical person's opinion that the physical safety of the person giving the sample is in jeopardy. Any such observations will be made by medical personnel or nurse's aides/orderlies of the same sex as the person submitting the sample.

2-1900.

The temperature of the urine specimen should be taken as soon as the person collecting the sample has received the sample. Whenever there is reason to believe that the employee may have altered or substituted the specimen to be provided, a second specimen shall be obtained immediately, under direct observation of the testing personnel.

The trained, qualified person accepting the specimen shall then immediately seal and label the vial(s) in the presence of the employee. When appropriate (i.e., cases of reasonable individualized suspicion), this information shall be made part of the supervisor's reports in the matter.

All specimens collected for screening purposes will be maintained in a chain of custody with documentation of it to insure the integrity of the specimen.

The medical person collecting the specimen(s) shall maintain custody of the specimen(s) until transferred to the United States Postal Service under certified mail, bonded courier, or laboratory courier service for delivery to the approved testing facility.

2-1906.

SPECIMEN AMOUNTS REQUIRED

A minimum of 60 MILLILITERS OF URINE and/or a minimum of 20 MILLILITERS OF BLOOD shall be required for Chemical Screening from each involved employee. These requirements will afford sufficient amounts of the specimen for Department testing and that of an employee shall he/she desire a re-test.

A breath sample sufficient to meet intoxilizer requirements shall be provided, if this test is administered.

It is recognized that under certain conditions, an employee may be unable to immediately provide a urine specimen. Under these conditions, the employee and the medical person collecting the specimen shall wait until the specimen is provided.

When an employee is relieved of duty under the provisions of this policy, the department shall make reasonable efforts to ensure the safe return of the employee to his/her residence.

Within three working days (excluding Saturdays, Sundays, and holidays) following a confirmed positive test, an employee may request a secondary test is run at a second certified laboratory. The directive shall be in writing to the Chief of Police, naming the laboratory of the employee's choice.

Revised Date 12/31/99
Revised Date 01/15/01
Revised Date 03/29/04

2-1900.

The sample custody chain shall be maintained by the participating laboratories and shall not be accessible to the employee, city, or agent of either. In addition, they shall have access to only one-half of the remaining portion of the specimen in the custody of the Department's testing facility. Costs for the requested secondary screening shall be paid by the city up to the cost of the initial screening and gas chromatograph test. The employee shall incur the remainder of the expense for the secondary screen. Upon receipt by the Chief of Police, a written copy of said employee's re-test results should immediately be forwarded to the home address of the involved employee.

2-1907. METHODOLOGY

The department's testing facility shall be certified/accredited by and participate in proficiency testing programs with the National Institute on Drug Abuse and the College of American Pathologists and/or American Association of Clinical Chemists.

The Eau Claire Police Department shall retain the right to inspect said facility at any time to ascertain compliance with its established requirements, integrity of the testing process, methods of testing, and the credentials of technicians utilized in the testing process. This includes the department submitting test samples from time to time of a known factor to ascertain the quality of analysis. The rights expressed in this paragraph also apply to the affected bargaining groups, who shall be responsible for all costs incurred by them.

2-1908. SCREENING AND CONFIRMATION PROCEDURES

The following procedures shall be used for screening and confirmation by the Department's laboratory. All initial and confirmation tests shall be at the expense of the department.

All INITIAL SCREENING of urine or blood shall be done by ENZYME MULTIPLIED IMMUNOASSAY (EMIT PANELS) and (TLC)-THIN LAYER CHROMATOGRAPHY or COMPARABLE TESTS. All initial positive screening shall be CONFIRMED by GC (GAS CHROMATOGRAPHY) and MS (MASS SPECTOMETRY).

2-1909. CHEMICAL SCREENING RESULTS (CONFIDENTIAL)

All chemical screening results shall be confidential, with dissemination limited to those with an official need to know and as required in counseling and/or treatment in the "after care" procedures of this policy. All

2-1900.

correspondence from any laboratory or medical facility addressed to the Chief of Police shall be opened only by the Chief of Police or, in his absence, the Acting Chief of Police. Any employee who breaches the confidentiality of testing information shall be subject to discipline.

2-1910. NEGATIVE CHEMICAL SCREENING RESULTS

Negative screening results shall be entered and/or removed from an employee's personnel file at the option of the employee. Any such negative result or record thereof shall only be placed in the employee's personnel file upon being signed and dated by the involved employee.

2-1911. POSITIVE CHEMICAL SCREENING RESULTS

Confirmed positive tests reflecting concentrations at or above those recognized as acceptable thresholds by the National Institute on Drug

Abuse shall be considered a positive test.

All confirmed positive specimens should be retained at the City's authorized laboratory for a minimum of six months. Employees who have a separate test conducted at a laboratory of their choice shall also be required to retain their specimen for a minimum of six months. The Department or the employee may extend the retention period of any specimen as desired. Additional costs shall be borne by the party making the request.

The Department may, upon confirmation of a positive chemical test result of an employee on duty, immediately suspend, or otherwise discipline him/her.

If the employee is using medication in accordance with the prescription given by his/her physician or in the manner prescribed by the manufacturer in the case of non-prescription drugs, there shall be no disciplinary action by department. However, the involved employee may be withheld from the workplace until such time as he/she presents the department with written documentation that he/she consulted his/her physician, who has, if necessary, corrected his/her prescribed and/or non-prescribed medication and certified that the employee is fit for duty. This section pertains only to cases of a confirmed positive test of an employee for chemicals.

2-1900.

2-1912. DEPARTMENT ACTIONS

While the Department seeks to identify and assist those employees that have a chemical-related problem, it must not lose sight of the safety risks involved in employing these individuals. Disciplinary action may be taken against any employee found to be under the influence or in possession of chemicals within the workplace not in compliance with the policy and procedures. However, the extent to which discipline is applied will depend on the factors indicated below, which will be considered by the Chief of Police in prescribing a disposition of the matter.

- Type of violation
- Severity**
- Prior violations of like nature
- Prior service record
- Willful defiance/ignorance/carelessness
- Voluntary self-report

~~** Severity of violation may invoke "dismissal" at any point, regardless of the number of prior violations of a like nature.~~

On any administrative action applied, Employee Assistance Program (EAP) counseling and follow-up ~~may~~ be part of the action imposed by the Chief of Police.

Any and all assistance rendered under an EAP shall be closely monitored. This may include, but is not limited to:

- Further assessment of the employee by qualified persons
- Treatment of the employee by a recognized facility or person
- Release of information to the Chief of Police on the progress and treatment of the employee, upon consent of the employee (CONFIDENTIAL)
- Process of after care treatment with possible random screening for a period of up to one year after initial treatment. Random screening

**Revised Date 12/31/99
Revised Date 01/15/01
Revised Date 03/29/04**

2-1900.

under these conditions can occur up to twice within a calendar month. This is to ascertain compliance with said treatment and objectives of the department relevant to this issue.

If the employee fails to avail him/herself of provided assistance for any of the following reasons, the employee shall be considered a safety hazard to the Department, public and co-workers:

- Fails to make reasonable progress in counseling or treatment in a reasonable time as determined by E.A.P. or treatment personnel
- Continues in a substandard manner
- Continues to be under the influence of chemical in the workplace

Any or all of these shall result in corrective disciplinary action up to and including termination of his/her employment.

When an employee refuses to submit to a chemical screening based upon "reasonable individualized suspicion," the Chief of Police or his/her designee shall be immediately notified. If warranted by existing factors, the supervisor conducting the investigation and testing, may relieve the employee from duty. Suspension will be with pay, pending review by the Chief of Police.

Discipline of employees for violation of this policy shall be in accordance with due process rights of the employee, state law, and any applicable collective bargaining agreement.

2-1913.

TRAINING OF SUPERVISORS

While it is recognized that police officers have a degree of expertise in the detection of persons under the influence of alcohol and chemicals, it is the desire of this Administration to further enhance supervisory capabilities as related to detection in this policy. As such, each supervisor (sworn or non-sworn) will be required to participate in an ongoing comprehensive chemical abuse identification-training program.

This training will be conducted by qualified medical and legal personnel at least annually. Additional training may be warranted as reinforcement or as changes in these areas occur.

2-1913.1

MEDICAL

- A. Understanding Chemical use/abuse
 - 1. Impairing characteristics
 - 2. Threat to safety of other employees and public
 - 3. Prescription & Non-Prescription Drugs/Medication
 - Most/least abused substances
 - 4. Controlled Substances (Legal/Illegal)
 - Most/Least abused substances
 - 5. Duration of chemicals/alcohol in body
 - Chemical metabolism & half-life
 - Subject's Physical Condition
 - Route & Frequency of ingestion
- B. Physical/Behavioral/Emotional Symptoms of chemical use/abuse
- C. Supervisor articulation of symptoms and facts
- D. Documentation:
 - 1. Uniform use of reporting forms & term used
 - 2. Symptoms
 - 3. Supporting Facts
- E. Obtaining Specimens for Chemical Screening
 - 1. Breath
 - 2. Blood
 - 3. Urine
- F. Overview of Laboratory testing procedures;
 - 1. Initial/Confirmation Testing
- G. Employee Assistance Program (EAP)
 - 1. Referrals
 - 2. Counseling
 - 3. Random Testing
 - 4. Follow-up

2-1900.

2-1913.2 LEGAL CONSIDERATIONS

- A. Constitutional Overview
 - 1. Fourth Amendment
 - 2. Privacy Interests
 - 3. Employer's Interests
 - 4. 5th Amendment - Administrative Matters
 - 5. 5th Amendment - Criminal Matters
- B. Civil Liability;
 - 1. Municipal - Safety of Public/Peers
 - 2. That of involved employee
 - 3. That of Supervisors
- C. Potential for Corruption; Loss of Public Trust
- D. Impeachable Witness & the Chemical abusing/using employee

3-100. COMMUNITY RELATIONS

Community relations is based upon the principle that, in a democratic society, the police are an integral and indivisible element of the public they serve. Community relations is manifested by positive interaction between the people and represents their unity and common purpose.

A system of law and its enforcement is not superimposed upon an unwilling public in a free society. The law is created by the people themselves to control the behavior of those who would seek to interfere with the community welfare and existence.

While the primary responsibility for the enforcement of the law lies with the people, the complexities of modern society and the inability of the people to personally cope with crime has required that they create the police service to assist in maintaining social order. The police represent only a portion of the total resources expended by the public to this end. However, this effort, frequently being restrictive of individual freedom, brings the police into contact with members of the public under circumstances which have a far-reaching impact upon the lives of the affected individuals. A citizen's encounter with the police can be very frightening and an emotionally painful experience. Under these circumstances, the risk of a misunderstanding is very great. The minimization of this risk is a challenge intrinsic in each public contact by the department.

The department must strive for the establishment of a climate where an officer may perform his/her duties with the acceptance, understanding and approval of the public. Additionally, the willing and practiced participation of the people in enforcing the law is essential for the preservation of freedom.

3-200. COMMUNITY RELATIONS ACTIVITIES

The mission of police-community relations is to maximize lines of communications and patterns of cooperation between the police and the people they serve. This mission is composed of more components than simply explaining the police role. It requires four interrelated activities:

1. A sensory activity

3-100. – 3-500.

Actively working with citizen groups to develop close and continuing cooperation and to identify issues requiring department action.

B. A problem-solving activity

Performing the role of mediator, communicator or catalyst during incidents of disagreement.

C. An organization-development activity

Identifying for the department administration areas of police operations which require modification, strengthening or abandonment.

D. A public relations activity

Explaining openly and honestly the police role in the community.

Because the Police Department is a service organization, it must pay close attention to the needs and feelings of its constituents; namely, the citizens of the community. It cannot rationally hide behind the statement that enforcement of the laws is its only responsibility, for the provisions of services and the maintenance of order are of equal importance. The four activities listed above constitute an integral part of the management responsibilities of the Department to accomplish all facets of its mission.

3-300.

INDIVIDUAL DIGNITY

A recognition of individual dignity is vital in a free system of law. Just as all persons are subject to the law, all persons have a right to dignified treatment under the law. The protection of this right is a duty which is as binding on the department as any other.

Members of the Department must treat a person with as much respect as that person will allow and he/she must be constantly mindful that the people with whom he/she is dealing are individuals with human emotions and needs. Such conduct is not a duty imposed in addition to a public employee's primary responsibilities, it is inherent in them.

3-400.

ROLE OF THE INDIVIDUAL OFFICER

The most common form of community relations is manifested in the relationship between individual officers and citizens. It is the relationship between the people and police that the greatest burden for strengthening community relations is laid.

Effective Date 04/27/79
Revised Date 08/15/92
Revised Date 01/15/01

3-100. – 3-500.

In dealing with people, each officer must attempt to make his/her contact one which inspires respect for himself/herself as an individual and professional and one which generates the cooperation and approval of the public. While entitled to his/her personal belief, an officer cannot allow his/her individual feelings or prejudices to enter into public contacts. However, since an officer's prejudices may be subconsciously manifested, it is incumbent upon him/her to strive for the elimination of attitudes that might impair his/her impartiality and effectiveness.

3-500.

EQUALITY OF ENFORCEMENT AND SERVICE

The city is composed of different communities, each with its own life style and each with its own individual attributes. All persons in each area of the city have in common the need for the services that are afforded by fair and impartial police operations.

Additionally, as a person moves throughout the city, he/she must be able to expect a similar police response to his/her behavior wherever it occurs. Where the law is not evenly enforced, there follows a reduction in respect for the law and a resistance to its enforcement.

In order to respond to varying law enforcement needs in the different parts of the city, the department must have flexibility in deployment and type of service. However, enforcement policies should be formulated on a city-wide basis, and applied uniformly in all areas.

Implicit in uniform enforcement of law is the element of evenhandedness in its application. The amount of force used or the method employed to secure compliance with the law or to make arrests is governed by the particular situation. Similar circumstances require similar treatment in all areas of the city and for all groups and individuals.

To ensure equal treatment in similar circumstances, an officer must be alert to situations where, because of a language barrier or for some other reason, he/she may be called upon to display additional patience and understanding in dealing with what might otherwise appear to be a lack of response.

3-900. – 3-1003.

3-900. TRAINING IN HUMAN AND COMMUNITY RELATIONS

The selection process for police officers is designed to choose the most qualified and to eliminate those who are physically, emotionally, mentally or socially unfit. Those selected, however, are representative of the community at large and as such are subject to having the same prejudices and biases found in much of society. Exposure to crime and its aftermath can tend to harden and render insensitive an officer whose sympathetic understanding is needed to properly perform his/her duties. The Department must provide initial and continuing training in human and community relations to help officers avoid this hardening of attitude and to imbue in each officer an understanding of his/her total role in the community.

3-1000. COMMUNITY RELATIONS PROGRAMS

The Community Relations section initiates and directs programs which are implemented to achieve the overall goals and objectives of the Department's community relations program. The section currently provides services for the following programs.

3-1001. TOURS OF POLICE FACILITIES

Tours of the police department will be conducted for groups, residents of the City of Eau Claire and surrounding communities who have an interest in police functions and would gain some knowledge as to the duties, responsibilities and activities conducted by their police department.

3-1001.1 The Special Services Bureau will remain as primary resource for furnishing officers to conduct tours. Responsibility for tour screening and coordination will remain with the Police Community Relations Officer. When screening, the Community Relations Officer will determine if these people want a tour of the police department or would prefer to have an officer at their school or meeting place.

3-1002. RIDE-ALONG POLICY

Unlike many jobs in today's society, the duties of a police officer are not easily described to persons outside the profession. Therefore, the purpose of allowing citizens to ride with police officers is to add to the public's knowledge and understanding of the problems and complexities of the police function. With this knowledge and understanding, the public will realize the necessity of professional police service in our community.

Effective Date 04/27/79
Revised Date 03/05/90
Revised Date 01/15/01

3-900. – 3-1003.

General Guidelines

- 3-1002.1** The administration of the Ride-Along Program is the responsibility of the Special Services Bureau and all requests for permission to ride will be handled by this division. Eligible persons will be scheduled to ride along by the Community Relations section. Scheduling refers to dates and time only.
- 3-1002.2** If the person seeking to ride does not have his/her name on the ride-along list which is posted, the Commanding Officer may exercise discretion as to whether or not the person is allowed to ride. No one shall be allowed to ride who has not completed an information/ release of liability form.
- 3-1002.3** Two riders are allowed per evening unless authorized otherwise by the Commanding Officer.
- 3-1002.4** Riders should be at least 16 years old, unless one of the child's parents or an adult guardian designated by the parents, rides along with the youth. If at all possible, the authorization to ride under this paragraph should be cleared through the Special Services Bureau.
- 3-1002.5** Riders shall not ride with officers of the opposite sex unless accompanied by a second rider. Exceptions can be made by the Commanding Officer.
- 3-1002.6** There is a restriction of two rides for any one person, unless a special project calls for more time to be spent in squad cars. Any such projects should be cleared through the Special Services Bureau.
- 3-1002.7** The Commanding Officer has the right to refuse to let the riders take part in the program if he deems it necessary. In this event, persons not allowed to ride should be told to contact the Special Services Bureau for rescheduling or other action. The Commanding Officer should notify the Special Services Bureau of the reasons for his actions.
- 3-1002.8** As the officer responds to a dangerous and/or sensitive call (domestic disturbances, child abuse, sexual assault, etc.) he/she will use his/her discretion as to the rider(s) being allowed to closely observe the development of the call. If there is uncertainty of the situation, the rider(s) shall remain in the squad or other place of safety until the uncertainty is resolved, at the direction of the officer. Ride-alongs shall not be involved in the execution of any search warrant.

3-900. – 3-1003.

- 3-1002.9** If any officer experiences a problem with a participant, he/she will notify his/her Commanding Officer.
- 3-1002.10** Participants may be given a tour of the Department.
- 3-1002.11** Ride-along periods will not be longer than 4 hours and will terminate at 11:00 P.M. Any exceptions may be granted by the Commanding Officer.
- 3-1002.12** **Student Riders**
- 3-1002.12(a)** Students' requests for permission to ride should be forwarded to the Special Services Bureau for review and scheduling.
- 3-1002.12(b)** High School, Chippewa Valley Technical College, and UW-EC students who are participating in the Ride-Along program to fulfill assignment credits for Criminal Justice related classes will ride for two hours. These students may ride from 1900 to 2100 hours on Sundays through Wednesdays.
- 3-1002.12(c)** Teachers or instructors of Criminal Justice related classes who wish to have students participate in the Ride-Along program to fulfill assignment credits will be asked that only four students from each of their classes be allowed to participate.
- 3-1002.12(d)** Officers who are assigned to take these student riders may terminate the ride for cause and after notifying a shift supervisor. If a rider is terminated for cause, a report outlining the reasons will be forwarded to the Shift Commander for his/her signature, and copies will be forwarded to the Deputy Chief of Patrol, and Special Services.
- 3-1002.12(e)** Patrol Division supervisors may participate by taking student riders on occasion and are encouraged to do so.
- 3-1002.13** **Friends and Relatives**
- Department personnel will be allowed to initiate ride-alongs for relatives or friends, with permission of the Commanding Officer. The information release of liability form is required of all riders.

3-900. – 3-1003.

3-1002.14 Department Employees

Non-commissioned employees of this department may be authorized to ride along more than once per year but in different districts of the city, if his/her supervisor feels such action will increase the employee's understanding and performance of his/her assigned duties (See 3-1002.1).

PUBLIC SPEAKING

3-1003. The Special Services Bureau provides the services of its personnel and other interested officers to fill speaking engagements. Dependent upon the topic, personnel availability and officer's individual qualifications and interests, the section considers public speaking requests on a broad range of law enforcement related topics.

3-501.

3-501 RACIAL PROFILING

The mission of the Eau Claire Police Department calls for caring and integrity in the provision of police services. These characteristics contradict behavior that would generalize about people on the basis of race, gender, color or ethnicity and further counter racial profiling, uttering racial epithets, or making law enforcement decisions based on race.

3-501.1 DEFINITIONS

For the purposes of this policy, the following definitions shall apply.

3-501.2 Racial Profiling

Any police-initiated action that relies upon race, ethnicity or national origin of an individual rather than the behavior of that individual or information that leads the police to a particular individual who has been identified as being engaged in or having been engaged in criminal activity. This definition includes two corollary principles:

1. Police may not use racial or ethnic stereotypes as factors in selecting whom to stop and whom to search.
2. Police may use race or ethnicity to determine whether a person matches a specific description of a particular suspect.

3-501.3 Race-Based Generalizations

Broad, stereotypical conclusions based upon a person's race, ethnicity or national origin.

3-501.4 Racial Epithets

Derogatory phrases and terms that are used to describe a person's race, ethnicity or national origin.

3-501.5 GENERAL PROVISIONS

Law enforcement decisions (to stop, detain, question, further investigate, search, warn or arrest) made by Eau Claire Police Department personnel will be made solely on the basis of reasonable suspicion and probable cause, irrespective of the race, gender, ethnicity or national origin of the people involved.

3-501.

Tactics intended to determine the race, gender, ethnicity or other individual factors of motorists or other vehicle occupants prior to obtaining reasonable suspicion or probable cause shall not be used by Eau Claire Police Department personnel.

Tactics to determine race, gender ethnicity or national origin shall only be used when such individual factors are previously identified characteristics of a person whom officers are lawfully attempting to locate.

Racial epithets shall not be used in conversation or written communication by members of the department unless they are being reported as being spoken by another person during the completion of an official report or as testimony at an official hearing.

3-501.6 Department personnel shall not employ race-based generalizations and acts that are inconsistent with this policy. Personnel shall:

1. Treat all persons contacted with respect and dignity (see also Policy 3-300, Individual Dignity).
2. Take enforcement action based upon reasonable suspicion or probable cause.
3. Not use inappropriate phrases or terms.
4. Report all infractions by co-workers to a supervisor.

3-501.7 Supervisors shall record any reports or infractions and refer them to the Commanding Officer for further investigation. The Commanding Officer or designee shall investigate reports of racial profiling, the uttering of racial epithets or other forms of discrimination.

See also Policy 6-500, Complaints and Complaint Disposition, and 6-600, Administration of Discipline.

3-600.
3-700.
3-800.

3-600. RESPONSIVENESS TO THE COMMUNITY

The department must be responsive to the needs and problems of the community. While the department's task is governed by the law, the policies formulated to guide the enforcement of the law must include consideration of the public will. This responsiveness must be manifested at all levels of the department by a willingness to listen and by a genuine concern for the problems of individuals or groups. The total needs of the community must become an integral part of the programs designed to carry out the mission of the department.

3-700. OPENNESS OF OPERATION

Law enforcement operations in a free society must not be shrouded in secrecy. It is necessary that there be full public disclosure of policies and an openness in matters of public interest. Consistent with protection of the legal rights of involved individuals and with consideration of the necessity for maintaining confidentiality of department records and of other primary department responsibilities, the department is to disseminate accurate and factual accounts of occurrences of public interest. Additionally, the department must strive to make known and accepted its objectives and policies.

3-800. INTERPERSONAL COMMUNICATIONS

To promote understanding and cooperation there must be interpersonal communications between members of the community and officers at all levels of the department. Each employee must be aware of the law enforcement needs of the community and his/her particular assigned area of responsibility. Guided by policy, an officer must tailor his/her performance to attain the objectives of the Department and to solve the specific crime problems in the area he/she serves. The department must provide for programs to encourage productive dialogue with the public at all levels and to ensure that the unity of the police and the people is preserved.

4-100.
4-101.

4-100. ADULT RETAIL THEFT DISPOSITION

In an effort to maximize delivery of services to the community and reduce officers "down time" on retail thefts, suspects need not be transported to headquarters upon arrest. The officer has the option of issuing an ordinance citation providing that standards in the procedure manual are met.

4-100.1 Upon completion of necessary forms, and if the officer is reasonably certain of the suspect's identity, the suspect may be released pending his/her assigned court date.

4-100.2 Suspects are to be ordered in for processing at the front desk on their court date and in accordance with current processing schedules.

4-100.3 In those instances where the officer has reservations concerning release, he/she may take the shoplifter into custody and proceed with booking.

4-100.4 If there is a question of whether or not the merchandise came from a store, then the merchandise should be seized as evidence.

4-100.5 If there is no issue as to whether or not the merchandise came from the store, and the merchandise is fit for resale, then that merchandise can be returned to the store immediately and not held for evidence.

4-100.6 This policy is applicable to Class A Misdemeanors as described in Wisconsin Statute 943.50 entitled Retail Theft. Class A Misdemeanors under this provision defines property to be less than \$2,500.

4-100.7 Felonies are precluded from consideration in the utilization of this policy as are those suspected of being organized conspiracies as evidenced by modus operandi.

4-101. ARREST, DETENTION AND BAIL FOR ADULT VIOLATORS

4-101.1 ARREST

The basic authority for police officers to make arrests derives from the Wisconsin Statute 62.09(13) which makes it a duty for a peace officer to arrest with or without a warrant and with reasonable diligence take before the court every person "found" in the city engaged in any disturbance of the peace or violating any law of the state or ordinance of such city.

4-100.

4-101.

State Statute 968.07 further broadens this authority to arrest.

968.07 Arrest By A Law Enforcement Officer

- (1) A law enforcement officer may arrest a person when:
 - (a) He/She has a warrant commanding that such person be arrested, or
 - (b) He/She believes, on "reasonable grounds" that a warrant for the person's arrest has been issued in this state; or
 - (c) He/She believes, on reasonable grounds, that a felony warrant for the person's arrest has been issued in another state; or
 - (d) There are reasonable grounds to believe that the person is committing or has committed a crime.
- (2) A law enforcement officer making a lawful arrest may command the aid of any person, and such person shall have the same power as that of the law enforcement officer.

"Found" or "In the officer's presence" means when the officer receives knowledge of the commission of the offense in his/her presence through any of his/her senses, or by inferences properly to be drawn from the testimony of the senses. Usually he/she sees or hears, or both. Following his/her learning that an offense is being committed, the officer must still make good use of his/her sight, as he must identify the specific person committing the offense in order to arrest the guilty person - and to identify him/her at a later date in court.

The terms "probable cause" and "reasonable grounds" are used interchangeably. Mere "suspicion" alone is never sufficient to authorize an arrest without a warrant. Where an officer in good faith believes that a crime has been committed and that the person in question committed it, and his/her belief is based on such grounds as would induce an ordinarily prudent and cautious man, under these circumstances, to believe likewise, then the officer is justified in arresting without a warrant.

State Statute 939.12 defines a crime as conduct which is prohibited by State law and punishable by fine or imprisonment or both. Conduct punishable only by forfeiture is not a crime.

4-101.2 DETENTION AND BAIL

To ensure adherence to statutory and departmental requirements, supervisory personnel shall monitor arrest situations and review all reports on arrests as they become available.

Revised 08/15/92
Revised 03/15/95
Revised 03/29/04

4-100.

4-101.

In view of the fact that the purpose of an arrest is to bring the arrested person before court to answer the violation for which he/she was arrested, detention to jail until the next session of court is a lawful act by the police officer. However, as a matter of normal practice, certain procedures have been established that in some cases permit the release of the prisoner before the next session of court.

Only a judge can set bail. The bail may be set if the judge endorses the amount of the required bail on the warrant at the time he issues it; or the judge may set bail at the arraignment in court, or, the judge may endorse a bail schedule in advance.

4-101.3 TRAFFIC VIOLATORS (NON CRIMINAL)

All persons arrested for non criminal traffic violations shall be released from custody without a cash bond if they:

- (1) Have a valid drivers license from any state or can show sufficient evidence of ties to the community or:
- (2) The arresting officer is otherwise satisfied that the accused will make future court appearances.

4-101.4 CITY ORDINANCE VIOLATIONS OTHER THAN TRAFFIC

Upon making a determination that a city ordinance has been violated, an officer should issue an ordinance citation. When an ordinance citation is issued to a person, they should be released and may not be held in lieu of bond. An officer is not precluded from removing a suspect from the scene of an incident and transporting them to headquarters to conclude the investigation. However, upon conclusion, the person must be issued a citation and released or released if sufficient evidence for an arrest does not exist.

4-101.5 MISDEMEANORS (INCLUDING MISDEMEANOR TRAFFIC OFFENSES)

All persons arrested for a misdemeanor, including a misdemeanor traffic offense, shall be released from custody without a cash bond unless any of the following exist:

4-100.
4-101.

- (1) The accused does not have proper identification
- (2) The accused appears to represent a danger of harm to himself/herself, another person, or property. (See 4-101.6)
- (3) The accused cannot show sufficient evidence of ties to the community.
- (4) The accused has previously failed to appear in court or failed to respond to a citation.
- (5) Arrest or further detention is necessary to carry out legitimate investigative action.

These guidelines do not supersede specific statutory mandated detention. Nor do they preclude the booking of adults arrested for misdemeanor. (See 4-101.9)

4-101.6 MISDEMEANOR BAIL DENIAL

Wisconsin statute 969.07 allows officers to deny bail to persons arrested on misdemeanor charges when the officer feels the person is in a condition that would not allow them to care for themselves, or because of their physical condition, they would constitute a danger to others.

Officers shall always obtain approval from a supervisor before bail is denied on a misdemeanor. The jail has a supply of "Bail Denial" forms, which must be signed by a supervisor.

4-101.7 FELONIES

As a matter of normal practice, persons arrested on felony charges will be incarcerated "and with reasonable diligence taken before the court" where the judge may establish bail.

However, in view of the fact that the purpose of an arrest is to bring the arrested person before court to answer to the violation for which he was arrested, in some circumstances, some individuals whose detention would cause an undue hardship to themselves or others, may be released without incarceration to appear as directed. The commanding officer will make this determination "order in" based upon the following considerations:

- a. Residence
- b. Employment

4-100.

4-101.

- c. Past record
- d. Possible hardship of family if subject is held for court
- e. Completeness of the investigation
- f. Length of time before next court session

If the commanding officer makes the decision to "order in" on a felony arrest, the arresting officer will indicate in the report the consideration upon which the decision was based. In all felony cases where the person is "ordered in," fingerprints and other identifying data of the person arrested must be taken before release.

Consultation with the District Attorney may be advisable depending on the severity of the crime.

4-101.8

The most frequent type of incident where the question of legality of an arrest arises is in the general breaches of the peace and disorderly conduct. In many of these cases, the officer is dispatched to a location in answer to a complaint received by telephone at police headquarters. Though the officer arrives at the scene within a few minutes, the offense has already been concluded. In these cases, a physical arrest can be made only if existing conditions provide "probable cause" or "reasonable grounds" for the officer to believe that an ordinance or a misdemeanor was violated and that the person to be arrested committed the violation. Additional factors may be considered:

- (1) Subject does not properly identify himself and, therefore, the element of not being apprehended unless immediately arrested is present. (Original Violation)
- (2) In the presence of the officer, the subject threatens to fight with another, even though no fight actually takes place in the officer's presence. (Disorderly Conduct)
- (3) In the presence of the officer (public or private place), the subject engages in violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance. (Disorderly Conduct)
- (4) Or, if by his apparent condition, attitude, and/or previous disorderliness, the officer believes it likely that the subject will cause personal injury or property damage if he is not immediately arrested. (Original Violation)

4-100.

4-101.

- (5) Or, subject was observed by the officer trespassing on property or in the building of another person without permission of the lawful owner or occupant.

4-101.9 BOOKING ARRESTED ADULTS

We are required by Wisconsin Statute 165.84(1) to obtain complete identification of persons charged with designated offenses. Charges must be verified by fingerprints when sent to the F.B.I. and State C.I.B. Without them, the charges cannot be included in the transcript record of the person charged. The statute specifies that these records must be taken when a person is arrested or taken into custody.

Fingerprints and other identifying data of persons arrested or taken into custody for offenses other than those designed in the State Statutes may be taken at the discretion of the law enforcement agency concerned.

REPORTS OF STRIP SEARCHES

The person conducting the search must prepare a report.

1. Identifying the person detained.
2. Identifying all persons conducting the search.
3. Giving the date, time, and place of the search.
4. Giving the written authorization of the Chief, or his/her designee to conduct the search.

This report must be given to the person searched.

FORMS

- Form 1) Chiefs/Designee's Permission to Conduct Strip Search** to be filled out by the Chief, or other person designated before any search is conducted. The following personnel of the Eau Claire Police Department are authorized to give written permission for strip searches and body cavity searches called for in Wisconsin Statute 968.255(2)(d): Chief of Police and Deputy Chiefs. If attempts to reach the above personnel fail, the commanding officer is designated to give written permission. This form should also be attached to the form listed in numbers 2 and 3 below, and copies be given to the subject of the search. This form does not have to be filled out when the officer has probable cause to believe that the detained person is carrying a weapon. In such an instance, prior permission is not required.
- Form 2) Officer's Report of a Strip Search** giving the information required by the statute. As indicated above, a copy of this should be attached to the "Chief's/Designee's Permission to Conduct Strip Search" form and a copy given to the defendant.
- Form 3) Medical Personnel's Report of Strip Search/Body Cavity Search** to be filled out by the physician, physician's assistant, or registered nurse after completing the search.
- Form 4) Officer's Report of Body Cavity Search** by law enforcement officer to be filled out in conjunction with Form 3 for a body cavity search. These forms are to be attached to the "Chief's/Designee's Permission to Conduct Strip Search" form.

If there is a strip search, but not a body cavity search, the subject should be given copies of Forms 1 and 2. If there were a body cavity search, he/she would receive copies of Forms 1, 3, and 4.

4-102.

Form 1

CHIEF'S/DESIGNEE'S PERMISSION TO CONDUCT STRIP SEARCH

I, _____, _____
Chief's/Designee's Name Rank

having been designated by _____, Police Chief

for the City of Eau Claire, hereby give permission to _____

_____ Name(s) of person(s) to
_____ to conduct a strip search of _____
conduct search Detainee's Name

_____ detained in _____

Jurisdiction – City/County/State

Date: _____

Time: _____

Location: _____

Chief's/Designee's Signature

OFFICER'S REPORT OF A STRIP SEARCH

I, _____, a male/female police officer with the
 Officer's Name

City of Eau Claire Police Department report that I conducted a strip search of the person
 of _____,
 Name of Person Searched Date of Birth

 Address

a male/female, on _____, 20_____, commencing at
 Date

_____.m., at _____
 Time Place of Search

Other persons assisting:

_____	_____	male/female
Name	Title or Position	(circle one)
_____	_____	male/female
_____	_____	male/female
_____	_____	male/female

Those assisting with the strip search **MUST** be of the same sex as the detained.

No other person viewed the strip search. The strip search was not reproduced through any visual or sound recording.

The subject of the strip search was detained at the time of the search on the basis of:

Check one or more as appropriate.

_____ 1. An arrest for a felony.

_____ 2. An arrest for a violation of Section 167.30, Wisconsin Statutes

4-102.

(Unlawful Use of a Firearm, etc.)

Form 2 (continued)

- _____ 3. An arrest for a violation of Sec. 940.19, Wis. Stats. (Battery),
- _____ 4. An arrest for a violation of Sec. 941.20(1), Wis. Stats. (reckless use of a weapon).
- _____ 5. An arrest for a violation of Sec. 941.22, Wis. Stats. (possession of a pistol by a minor.
- _____ 6. An arrest for a violation of Sec. 941.23, Wis. Stats. (carrying a concealed weapon.
- _____ 7. An arrest for a violation of Sec. 941.24, Wis. Stats. (possession of a switchblade knife.
- _____ 8. Having been taken into custody under Sec. 48.19, Wis. Stats., and there are reasonable grounds to believe the child has committed an act which, if committed by an adult, would constitute a violation of the Statutes listed in Numbers 1-7, above. (Indicate also, what section such conduct would violate by checking one of the Numbers 1-7.
- _____ 9. An arrest for a misdemeanor not specified in Numbers 1-7, any other violation of state law punishable by a forfeiture, or any local ordinance, namely,

State the Offense

and there is probable cause to believe the person is concealing a weapon or a thing which may constitute evidence of the offense for which he/she is detained.

CHECK ONE:

_____ Prior written permission to conduct the strip search was given by:

Name Title or Position

_____ Prior written permission to conduct the strip search was not

4-102.

obtained because there was probable cause to believe that the detained person was concealing a weapon.

4-102.

Form 2 (continued)

A true and accurate copy of the foregoing report was delivered to:

Name of Person Searched

Date: _____

Time: _____

Location: _____

Officer's Signature

I acknowledge that I have received a copy of the "Report of Strip Search," this
_____ day of _____, 20_____ at _____ .m.

Signature of Person Searched

4-102.

Form 3

MEDICAL PERSONNEL'S REPORT OF STRIP SEARCH/BODY CAVITY SEARCH

I, _____, a physician/physician's assistant/registered
Name

nurse licensed to practice in this State, state that on _____, 20____
Date

commencing at _____ .m., at the direction of _____
Officer's Name

at _____,
Location of Search

I conducted a strip search/body cavity search of a person identified to me as

Name of Person to be Searched

Dated this _____ day of _____, 20_____.

Medical Person's Signature

OFFICER'S REPORT OF BODY CAVITY SEARCH

I, _____, a police officer with the City of Eau Claire
 Officer's Name

Police Department request and direct _____
 Name of Medical Personnel

a physician/physician's assistant/registered nurse licensed to practice in this state, to
 conduct a body cavity search of _____
 Name of Person Searched

a male/female, on _____, 20_____, commencing at
 Date

_____.m., at _____
 Time Place of Search

Other persons assisting:

_____	_____	male/female
Name	Title or Position	(circle one)

_____	_____	male/female
-------	-------	-------------

_____	_____	male/female
-------	-------	-------------

Those assisting with the cavity search who are not medical personnel MUST be of the same sex as the detained.

No other person viewed the body cavity search. The body cavity search was not reproduced through any visual or sound recording.

Check one or more as appropriate.

_____ 1. An arrest for a felony.

_____ 2. An arrest for a violation of Section 167.30, Wisconsin Statutes

4-102.

(Unlawful Use of a Firearm, etc.)

Form 4 (continued)

- _____ 3. An arrest for a violation of Sec. 940.19, Wis. Stats. (battery).
- _____ 4. An arrest for a violation of Sec. 941.20(1), Wis. Stats. (reckless use of a weapon).
- _____ 5. An arrest for a violation of Sec. 941.22, Wis. Stats. (possession of a pistol by a minor).
- _____ 6. An arrest for a violation of Sec. 941.23, Wis. Stats. (carrying a concealed weapon).
- _____ 7. An arrest for a violation of Sec. 941.24, Wis. Stats. (possession of a switchblade knife).
- _____ 8. Having been taken into custody under Sec. 48.19, Wis. Stats., and there are reasonable grounds to believe the child has committed an act which, if committed by an adult, would constitute a violation of the Statutes listed in Numbers 1-7, above. (Indicate also, what section such conduct would violate by checking one of the Numbers 1-7.
- _____ 9. An arrest for a misdemeanor not specified in Numbers 1-7, any other violation of state law punishable by a forfeiture, or any local ordinance, namely,

State the Offense

and there is probable cause to believe the person is concealing a weapon or a thing which may constitute evidence of the offense for which he/she is detained.

CHECK ONE:

_____ Prior written permission to conduct the strip search was given by:

_____ Name _____ Title or Position

_____ Prior written permission to conduct the strip search was not obtained because there was probable cause to believe that the detained person

4-102.

was concealing a weapon.

4-102.

Form 4 (continued)

A true and accurate copy of the foregoing report was delivered to:

Name of Person Searched

Date: _____

Time: _____

Location: _____

Officer's Signature

I acknowledge that I have received a copy of the "Report of Strip Search," this
_____ day of _____, 20____ at _____ .m.

Signature of Person Searched

4-102.

4-102. STRIP SEARCHES / SEARCH OF PHYSICALLY DISABLED PERSONS

4-102.1 Policy Statement

It is the policy of the Eau Claire Police Department to extend all reasonable privacy to individuals subjected to searches of their person or confiscations from their person. The Fourth Amendment to the United States Constitution protects "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures..." This guarantee protects against actions by the states, as well as the federal government. Generally, the cases interpreting the Fourth Amendment require that, before a search or seizure can be effectuated, the police must have probable cause to believe that a crime has been committed and that evidence relevant to the crime will be found at the place to be searched. Because of the language in the Fourth Amendment about, "persons, houses, papers, and effects," for years the case law analyzed what property was subject to the Amendment's protection.

4-102.2 Strip searches are authorized by state statutes 968.255 and 968.256 and must be conducted in strict compliance with these statutes. Because of their uniqueness and sensitivity, Sections 968.255 and 968.256 of the Wisconsin Statutes are adopted in their entirety to be included in the department's manual. Additional specific subject matter pertaining to laws of arrest, search, and seizure may be located in the General Index, Volume 3, of the Wisconsin Statutes.

4-102.3 Section 968.255. Strip Searches, (1) in this section:

1. "Detained" means any of the following:
 - (a) Arrested for any felony.
 - (b) Arrested for any misdemeanor under s.167.30, 940.19, 941.20(1), 941.22, 941.23 or 941.24 and addenda.
 - (c) Taken into custody under s.48.19 or 938.19 and there is reasonable grounds to believe the child has committed an act which if committed by an adult would be covered under subd.1 or 2.

4-102.

- (d) Arrested for any misdemeanor not specified in subd.2, any other violation of state law punishable by forfeiture or any local ordinance if there is probable cause to believe the person is concealing a weapon or a thing which may constitute evidence of the offense for which he or she is detained.
 - (e) "Strip search" means a search in which a detained person's genitals, pubic area, buttock, or anus, or a detained female person's breast is uncovered and either is exposed to view or is touched by a person conducting the search.
2. No person may be the subject of a strip search unless he or she is a detained person and if:
- (a) The person conducting the search is of the same sex as the person detained, unless the search is a body cavity search conducted under sub.(3).
 - (b) The detained person is not exposed to the view of any person not conducting the search.
 - (c) The search is not reproduced through a visual or sound recording.
 - (d) A person conducting the search has obtained the prior written permission of the chief, sheriff or law enforcement administrator of the jurisdiction where the person is detained, or his or her designee, unless there is probable cause to believe that the detained person is concealing a weapon.
 - (e) A person conducting the search prepares a report identifying the person detained, all persons conducting the search, the time, date, and place of the search and the written authorization required by par.(d), and provides a copy of the report to the person detained.
3. No person other than a physician, physician's assistant, or registered nurse licensed to practice in this state may conduct a body cavity search.

4-102.

4. A person who intentionally violates this section may be fined not more than \$1,000 or imprisoned not more than 90 days or both.
5. This section does not limit the rights of any person to civil damages or injunctive relief.
6. A law enforcement agency, as defined in s. 165.83 (1)(b), may promulgate rules concerning strip searches which at least meet the minimum requirements of this section.
7. This section does not apply to a search of any person who:
 - (a) Is serving a sentence pursuant to a conviction in a jail, state prison, or house of correction.
 - (b) Is placed in or transferred to a secured correctional facility.
 - (c) Is committed, transferred or admitted under ch. 51, 971 or 975.

4-102.4

Section 968.256 Search of Physically Disabled Person.

1. In this section, "physically disabled person" means a person who requires an assistive device for mobility, including, but not limited to, a wheelchair, brace, crutch, or artificial limb.
2. A search of a physically disabled person shall be conducted in a careful manner. If a search of a physically disabled person requires the removal of an assistive device or involves a person lacking sensation in some portion of his or her body, a person who has had training in handling physically disabled persons shall conduct the search with extreme care.

4-102.5

Seizures/Confiscations When Not Strip Searching

1. In the event of the need for confiscation of any article of clothing that would leave exposed a person's genitals, pubic area, buttock or anus, or a female's breast, the following procedure should be followed.

4-102.

- (a) The suspect should be taken to the Eau Claire County Jail and escorted to a private room where they should enter alone, remove the item sought, and knock when clothed and ready to present the evidence in question.
- (b) Should it become necessary to provide a garment to the individual so that their body is not exposed inappropriately, disposable overalls are available in the police department evidence lab.

4-102.6 Personnel Designated to Authorize Strip Searches

The following personnel of the Eau Claire Police Department are authorized to give written permission for strip searches and body cavity searches called for in Wisconsin Statute 968.255(2)(d):

- Chief of Police
- Deputy Chiefs of Police

If attempts to reach the above personnel fail, the commanding officer is designated to give written permission.

NOTE: Authorization and report forms for strip and body cavity searches are attached. Instructions as well as the forms will be in packets in the Commanding Officers' office, if the need arises.

4-200.

4-200. STOP AND FRISK

4-201. General Policy

It is the policy of the department that field interrogations will be conducted in a manner which not only promotes the public safety and safeguards law enforcement officers from harm, but also holds invasions of personal rights and privacy to a minimum.

4-202. Guidelines

In performing his responsibilities, a police officer must often approach individuals who appear to be engaged in some activity calling for investigation. Such activities may cover a wide range of situations; in some the officer will be preventing or detecting crime; in others, he will be providing assistance to persons in need. Depending on the nature of the situation encountered, the police response may at times constitute a "stop", and possibly a "frisk", as defined in these guidelines. Unless an officer concludes that an arrest should be made, or that a stop is justifiable under 4-202.1, communications with a private citizen should begin with a contact. (A contact consists of making an inquiry of a citizen in which the citizen's liberty is not restrained.) After identifying himself as a law enforcement officer, an officer may initiate a contact with a person in any place that the officer has a right to be present. Persons contacted may not be halted or detained against their will, or frisked. They may not be required to answer questions or to cooperate in any way if they do not wish to do so. An officer may not use force or coercion in initiating a contact or in attempting to obtain cooperation once the contact is made. If persons contacted refuse to cooperate, they must be permitted to go on their way. Since a contact is not a stop or an arrest, and those persons contacted may be innocent of wrongdoing of any kind, officers should take special care to act in as restrained and courteous a manner as possible.

4-202.1 Stops

A "stop" is the temporary detention of a person for investigation. A "stop" occurs whenever an officer uses his authority to make a person halt, or to keep him in a certain place, or to compel him to perform some act. If a person is under a reasonable impression that he is not free to leave the officer's presence, a "stop" has occurred.

4-200.

A. Basis for a Stop

An officer may stop a person in a public place, after having identified himself as a law enforcement officer, if he reasonably suspects that a person has committed, is committing, or is about to commit any crime. Both pedestrians and persons in vehicles may be stopped.

B. Reasonable Suspicion

The term "Reasonable Suspicion" is not capable of precise definition; however, it is more than a hunch or mere speculation on the part of an officer, but less than the probable cause was necessary for arrest. Every officer conducting a stop must be prepared to cite the existence or specific facts in support of his determination that a "reasonable suspicion" was present.

C. Stopping Vehicle at Roadblocks

If authorized to do so by the Commanding Officer, a police officer may order the drivers of vehicles moving in a particular direction to stop. Authority to make such stops exists in those situations where such action is necessary to apprehend the perpetrator of a crime who, if left at large, can be expected to cause physical harm to other persons, or discover the victim of a crime whose physical safety is presently or potentially in danger. Once a vehicle is stopped pursuant to this section, it may be searched only to the extent necessary to determine if the perpetrator or victim is present in the vehicle, and such search shall be made as soon as possible after the stop. (x-ref 4.805)

4-202.2

Police Conduct During a Stop

Proper justification for a stop does not permit unreasonable conduct during the stop. Every phase of the detention must be reasonable, for the United States Supreme Court has stated in *Terry V. Ohio*, 392 U.S. 1, 28 (1968), that the manner in which stops and frisks are conducted is "as vital a part of the inquiry as whether they were warranted at all".

A. Duration of Stop

A person stopped pursuant to these rules may be detained at or near the scene of the stop for a reasonable period of time. Officers should detain a person only for the length of time necessary to obtain or verify the person's identification, or an account of the offense, or otherwise determine if the person should be arrested or released.

4-200.

B. Explanation to Detained Person

Officers shall act with courtesy towards the person stopped. At some point during the stop the officer shall, in every case, give the person stopped an explanation of the purpose of the stop.

C. Rights of Detained Person

The officer may direct questions to the detained person for the purpose of obtaining his name, address and an explanation of his conduct. The detained person may not be compelled to answer questions or to produce identification documents for examination by the officer; however, the officer may request the person to produce identification and may demand the production of an operator's license if the person has been operating a vehicle. A person need not be advised of his/her

Miranda rights unless he/she is in custody and being interrogated.

D. Effect of Refusal to Cooperate

Refusal to answer questions or to produce identification does not by itself yield probable cause to arrest, but such refusal may be considered along with other facts as an element adding to probable cause.

E. Effecting a Stop and Detention

Officers shall use the least restrictive means necessary under the circumstances to effect a stop and to detain a person.

F. Use of Force

An officer may use only the minimum amount of force that is reasonably necessary to stop and detain pursuant to these guidelines. The department's Non-deadly Force Guidelines (4-1000.) and Deadly Force Guidelines (4-900.) shall be followed.

4-202.3

Stopping Witnesses Near the Scene of a Crime

A police officer who has probable cause to believe that any felony or a misdemeanor involving danger to persons or property that has just been committed, and who has probable cause to believe that a person found near the scene of such offense has knowledge of significant value to the investigation of the offense, may order that person to stop.

4-200.

The sole purpose of the stop authorized by this section is the obtaining of the witness' identification so that he may later be contacted by the officer's agency. Officers shall not use force to obtain this identification.

4-202.4

Frisks

A. When to Frisk

A police officer may frisk any person whom he has stopped when the officer reasonably suspects that the person is carrying a concealed weapon or dangerous instrument and that a frisk is necessary to protect himself or others. The frisk may be conducted at any time during the stop whenever a "reasonable suspicion to frisk" exists.

B. Reasonable Suspicion for Frisk

"Reasonable Suspicion" for a valid frisk is more than a vague hunch and less than probable cause. If a reasonably prudent police officer under the circumstances would be warranted in believing his safety or that of other persons in the vicinity was in danger, a frisk is justified. Every officer conducting a frisk must be prepared to cite the existence of factors in support of his determination that "reasonable suspicion" for a frisk was present.

C. General Procedure

1. The officer should begin the frisk at the area of the person's clothing most likely to contain a concealed weapon or dangerous instrument. Usually, an officer should begin the frisk with a patdown of the outside of the person's outer clothing, and he should not reach inside the clothing unless he feels an instrument. If the outer clothing is too bulky to allow the officer to determine if a weapon or dangerous instrument is concealed underneath, then the outer clothing may be opened to allow a patdown directly on the inner clothing.

If the officer has a reasonable belief, based on reliable information or his own knowledge and observations, that a weapon or dangerous instrument is concealed at a particular location

on the person, such as a pocket, waistband, or sleeve, then the officer may reach directly into the suspected area. Officer so proceeding must be prepared to cite the precise factors which led him to forego the normal patdown procedure.

4-200.

2. If the person is carrying something immediately separable from his person, e.g., a purse, shopping bag, briefcase, it should be taken from him. The officer should not immediately search inside the object, but he should place it in a safe location out of the person's reach for the duration of the detention.
3. If, during the stop, or the stop and frisk, an officer reasonably suspects that he/she may be harmed if he/she returns an unsearched item to the person, he/she should not return the item without first briefly inspecting it, unless there is another reasonable method through which he can insure his safety.
4. An officer may also frisk those areas that the person could reach to obtain an object that could be issued to harm the officer, if the officer reasonably suspects that he/she might be harmed should he/she fail to do so.
5. If, during the course of a frisk the officer discovers an object which is a container capable of holding a weapon or dangerous instrument and if the officer reasonably believes that it does contain such an item, he/she may look inside the object and briefly examine the contents.

D. Discovery of Weapon, Instrument, or Other Property

If a frisk or search discloses a weapon or instrument, or any other property, possession of which the officer reasonably believes may constitute the commission of a crime, or which may constitute a threat to his/her safety, he/she may take it and keep it until the completion of the questioning, at which time he/she shall either return it, if lawfully possessed, or arrest the person so questioned.

E. Discovery of Incriminating Evidence

If, while conducting a frisk, an officer feels an object which he/she does not reasonably believe to be a weapon or dangerous instrument, but does believe to be a seizable item, he/she may not - on the basis of his/her authority to frisk - take further steps to examine the object. However, if the nature of the object felt, immediately provides probable cause to believe the object is contraband or evidence of crime (alone or in combination with other factors), the officer may seize the object, and upon examining the object and confirming its nature, should tell the person he/she is under arrest. The officer may then conduct a full custody search incidental to arrest. If the item is not contraband or evidence of crime, the person should be released.

F. Procedure Following Unproductive Frisk

If the frisk discloses nothing justifying removal or seizure, and nothing providing probable cause for arrest, an officer may continue to detain while concluding his investigation.

4-202.5

Record Keeping

Adequate records of stop and frisk activity will serve to insure the proper exercise of police authority. They will also greatly enhance an officer's ability to reconstruct what occasioned a stop or frisk, and what took place during this contact. Such records are vital not only when the stop and frisk results in immediate arrest; they also may be valuable as "leads" in other investigations. Further, such records serve as protection against groundless civil suits.

A. Recording

When an officer stops and subsequently frisks a subject, a written report should be filed.

B. Stop Based on Informant's Tip

If the stop or frisk was based in whole or part upon an informant's tip, the officer making the stop or frisk shall make every reasonable effort under the particular circumstances to obtain and record the identity of the informant. Further, the officer shall record the facts concerning such tip, e.g., how it was received, the basis of the informant's reliability, and the origin of his/her information.

4-300.

4-300. SEARCHES, SEIZURES AND INVENTORIES OF MOTOR VEHICLES

4-301. General Purpose

These guidelines establish procedures for searches, seizures, and inventories of motor vehicles. Because seizures and inventories are treated differently as a matter of administration they are made the subject of separate guidelines. A search is an examination of a person, place, motor vehicle or any other thing with a view toward discovery of evidence (contraband, weapons, things used in committing a crime, loot, and other evidence of crime). A seizure involves taking the vehicle itself into custody. An inventory is an examination of a motor vehicle in police custody to account for objects in the vehicle for which the police are responsible.

The guidelines on searches are grouped in terms of common situations in which search opportunities arise: where evidence is found in plain view or open view; where an arrest is made (either non-custodial, as in a minor traffic case, or, more typically, as in full-custody arrest, when the suspect is taken to a detention facility or before a judicial officer); where a search of an unoccupied vehicle is desired; and finally, where consent from the owner or driver is sought.

The procedures contained in the guidelines attempt to maximize police efficiency in controlling crime while at the same time protecting persons from invasions of their privacy.

4-302. Seizure of Items in Plain View or Open View in a Vehicle

4-302.1 Plain View; Open View

An officer lawfully in any place may, without obtaining a search warrant, seize from a motor vehicle any item which he/she observes in plain view or open view including items observed through the use of flashlight), if he/she has probable cause to believe that the item is contraband or anything used in committing a crime, loot, or other evidence of crime. These four categories of evidence are hereafter referred to collectively as "seizable items".

If the vehicle is locked, and keys are not available, the officer shall obtain instructions from a superior as to the method to be used to enter the vehicle.

4-300.

4-303. Searches Connected with Arrests

4-303.1 Full-Custody Arrest

Whenever an officer makes a full-custody arrest of a person in a motor vehicle, he/she may conduct a full warrantless search of the arrested person's garments and the surface of his/her body in a manner designed to reveal the presence of seizable items. The officer may also conduct a warrantless search of the passenger compartment of the vehicle within which the arrested person was an occupant. The officer may also search any container found in the passenger compartment, whether open, closed, or locked. The search must be conducted as a contemporaneous incident of the arrest. If incriminating items are found or probable cause otherwise develops, a wider search under 4-303.3 may be justified.

4-303.2 Stop Followed by Citation

A. Street Citation

A person who is "stopped" by an officer and then is given a warning or issued a citation--but who is not placed under full-custody arrest--should not be searched, nor should any vehicle used by such person be searched, unless the officer reasonably suspects the person to be armed. In that case the officer may "frisk" the person for weapons.

B. Police Facility Citation

Traffic violators and other persons who are asked to follow an officer to a police facility (e.g., non-resident drivers), but who are not placed under full-custody arrest, should not be searched nor should their vehicle be searched. If the officer making the stop reasonably suspects the person to be armed, he may "frisk" him for weapons.

4-303.3 Wider Search When Probable Cause Exists to Believe Seizable Items are in Vehicle

A. When Permitted

In addition to the limited search authorized in 4-303.1 whenever a full-custody arrest is made of a person in a motor vehicle or of a person in close proximity to a motor vehicle from which he/she has just departed or into which he/she is about to enter, and the arresting officer has probable cause to believe that the vehicle contains seizable items, the vehicle may be searched without a warrant for those items as soon as

4-300.

practicable, if no special circumstances under 4-303.4 are present.

B. Scope of the Search

An officer making a motor vehicle search under 4-303.3.A. may search only those areas of the vehicle which could physically contain the evidence sought.

C. Manner of the Search

Whenever possible, an officer shall open a locked trunk or glove compartment by means of a key rather than by force. If keys are not available, instructions shall be obtained from a superior as to the method to be used in opening the locked trunk or glove compartment.

D. Time and Place of the Search

It is not necessary to keep the prisoner near the vehicle during the type of search. Searches under 4.303.3.A should be conducted at the scene of the arrest as soon as the prisoner is placed in secure custody. In those cases when it is not feasible to conduct the search at the scene of the arrest (e.g., hostile crowd, bad weather, heavy traffic, absence of needed equipment, delay so search warrant can be obtained, or unavailability of keys), the vehicle shall be secured in police custody at all times until it is searched, and the search shall be conducted as soon as practicable. Once a vehicle has been taken into police custody, vehicle is searched unless 4-303.0B does not apply.

E. Search of Vehicle Passengers

If, following a search of a motor vehicle under 4-303.3.A., the officer has not found the seizable item sought, he/she may search the occupants of the vehicle if (1) the item he/she is seeking could be concealed on the person and (2) he/she has reason to suspect that a passenger has the item. This search may be made even though the officer does not have probable cause to arrest the passenger.

F. "Frisk" of Vehicle Passengers

If the officer reasonably suspects that a passenger in the motor vehicle is armed, he/she may "frisk" him for weapons.

4-300.

4-303.4 Use of Search Warrant

When special circumstances exist, a search warrant should be obtained before searching a vehicle in connection with an arrest.

A. Special Circumstances: Arrest and Search of Vehicle Preplanned

A search warrant should be obtained when there is adequate time to obtain the warrant before the arrest of suspect and it is anticipated that the "target" vehicle specified will be at the location where the arrest and search will occur.

B. Special Circumstances: Ease of Obtaining Warrant

A search warrant should be obtained when the "target" vehicle has come into police custody and can be readily secured while the warrant is sought, and delaying the search will not be detrimental to the investigation.

C. Special Circumstances: Immovable Vehicles

A search warrant should be obtained when, (1) the vehicle does not appear to be movable or easily rendered movable by minor repairs, (2) the vehicle is on private property and (3) the officer concludes there is adequate time in which to obtain a search warrant before the vehicle is moved or the seizable items removed.

4-304. Searches of Vehicles Not Connected With an Arrest

4-304.1 Searches Not Connected With an Arrest

If an officer has probable cause to believe that a vehicle, either locked or unlocked, contains seizable items, all those areas of the vehicle which could contain such items may be searched without a search warrant unless (1) the vehicle does not appear to be movable or easily rendered movable by minor repairs and (2) the officer concludes there is adequate time in which to obtain a search warrant before the vehicle is moved or the seizable items removed. In those circumstances, a search warrant must be obtained.

4-300.

4-305. Consent Searches of Motor Vehicles

4-305.1 Motor Vehicle Searches by Consent of the Owner or Driver

Whenever an officer desires to make a motor vehicle search not authorized by those guidelines and is unable to obtain a search warrant, he/she may request consent to search from the person(s) in control of the vehicle. Written consent forms are readily available. Their use protects against later challenge. No consent search may be made unless the person consenting signs the written consent form and the officer is satisfied that the person consenting read and understood it, or if a consent form is unavailable only after the officer has orally explained the person's right to refuse the search, is satisfied that the person understood the warning, and has received from the person a voluntary and unequivocal consent to search the vehicle.

4-306. Seizures of Motor Vehicles

A motor vehicle is "seized" or "impounded" when officers take custody of it and either remove it to a police facility or arrange its removal to a private storage facility. An "inventory" is an administrative process by which items of property in a seized vehicle are listed and secured. An inventory is not to be used as a substitute for a search. Vehicles coming into custody of the police department shall be classified for purposes of those guidelines into six categories: Seizures for forfeitures; seizures as evidence; prisoner's property; traffic impoundments; abandonments; and other non-criminal impoundments. The procedures for carrying out the seizure, the need for a warrant, the right to search or inventory a vehicle and the time and scope of any such inventory depend upon how the vehicle is classified.

4-306.1 Seizures for Forfeiture: Vehicle Used Illegally

A. When Permitted

When an officer has probable cause to believe that a vehicle has been used to transport a substantial amount of intoxicating liquors illegally, to transport for sale or receipt controlled substances in violation of the Uniform Controlled Substances Act, or in the unlawful manufacture or commercial transfer of gambling devices, he/she shall take the vehicle into custody and classify it as a "seizure for forfeiture". No "seizure for forfeiture" shall be made without the approval of a superior.

4-300.

B. Exception for Federal Offenses

When an officer has probable cause to believe that a vehicle has been used to violate a federal law which provides for forfeiture following violation, as in the case of illegally transporting weapons, narcotics, or contraband liquor, he/she shall seize the vehicle regardless of the amount of contraband involved or the prior record of the owner or occupant, and shall seek instructions from a superior concerning federal forfeiture procedures.

C. Necessity for Search Warrant

An officer shall obtain a search warrant prior to making a "seizure for forfeiture" whenever the vehicle to be seized is on private property and it is not likely that the vehicle will be removed or tampered with while a warrant is being obtained. This is the only situation in which a search warrant is necessary for a "seizure for forfeiture".

D. Inventory Procedure

An officer who seizes a vehicle for forfeiture shall completely inventory the contents under 4-306.7 immediately upon its arrival at a police facility. Upon completion of the inventory, the officer shall obtain instructions from a superior relating to appropriate further processing of the vehicle. An itemized list of the vehicle's contents should be attached to each copy of any report completed.

4-306.2

Seizures as Evidence

A. When Permitted

When an officer has probable cause to believe that a vehicle has been stolen or used in a crime or is otherwise connected with a crime, he/she may take the vehicle into custody and classify it as a "seizure as evidence".

B. Exception for Minor Traffic Offenses

A vehicle involved in a minor traffic offense shall not be seized as evidence merely because it was used to commit the traffic offense.

4-300.

C. Necessity for Search Warrant

An officer shall obtain a search warrant prior to making a "seizure as evidence" whenever the vehicle to be seized is on private property and it is not likely to be removed or tampered with while a warrant is being obtained. This is the only situation in which a search warrant is necessary for a "seizure as evidence".

D. Inventory and Release Procedures

A vehicle seized as evidence shall be completely inventoried under 4-306.7 as soon as practicable after its arrival at a police facility, unless such an inventory might damage or destroy evidence. An itemized list of the vehicle's contents should be attached to each copy of any report completed. Vehicles seized as evidence shall not be released to any person until the appropriate prosecutor or other official has signed a release form indicating that the vehicle seized as evidence is found to be the property of a person having no criminal involvement in the offense, the vehicle should be returned to such person on an expedited basis.

4-306.3

Prisoner's Property

A. Definition

When a person is arrested in a vehicle which he/she owns or has been authorized to use, the vehicle is not otherwise subject to seizure, it shall be classified as "prisoner's property".

B. Disposition of Prisoner's Property

The vehicle should be locked and legally parked on the street. If it is not possible to lock the vehicle, any observable items of value should be secured in the trunk of the vehicle. Of course, dependent upon the fact situation, guidelines contained in other subsections may apply. For example, where probable cause exists to believe the vehicle contains seizable items (4-303.3) or where probable cause to believe the vehicle has been stolen or used in a crime exists (4-306.2)

If the vehicle is found to be the property of a person having no criminal involvement in the offense, such person shall be notified of the location of the vehicle as soon as practicable.

4-300.

4-306.4 Traffic or Parking Removals

Vehicles which are removed from a location on a public street pursuant to traffic or parking regulations shall be classified as "traffic removals". When an officer causes a vehicle to be moved pursuant to traffic regulations, the vehicle may be moved to a location on a public street as close to the original location as possible, consistent with prevailing traffic conditions. Vehicles removed shall not be inventoried or searched in any way. However, the officer who caused the vehicle to be removed shall, if possible, close the windows and lock the doors before he leaves the vehicle.

4-306.5 Impoundment of Abandoned Motor Vehicles

When an officer takes a vehicle into police custody because it is presumed abandoned pursuant to Wisconsin Statutes 342.40 or pursuant to Eau Claire General Ordinance 10.40.030, he/she shall classify it as an "abandonment". A complete inventory will be made by the officer responsible for disposing of the vehicle under 4.306.7.

4-306.6 Other Non-Criminal Impoundments

A. Definition

When an officer takes a vehicle into police custody because there is reason to believe that it is part of the estate of a deceased person, or the property of an insane person or of a person taken to the hospital, or because it is property turned over to the police at the scene of a fire or disaster, he/she shall classify it as a "non-criminal impoundment".

B. Procedure Upon Non-Criminal Impoundment

If an unlocked vehicle is impounded under this guideline, the impounding officer shall remove from the passenger compartment all containers (such as boxes or suitcases) and items of value which are likely to be tampered with or stolen.

Containers shall not be opened, however, they will be sealed to insure the security of their contents. After removing any such property from the passenger compartment, the officer shall inventory the property, make all necessary entries and returns, and place the property in the trunk of the vehicle. The sole purpose for opening the trunk is to store the personal property therein.

4-300.

The officer shall close all windows and lock the doors and the trunk. The keys for the vehicle shall be taken to the station house and properly labeled and stored. No other inventory or search of the vehicle shall be made unless subsequent events indicate that the vehicle should be reclassified as abandoned.

4-306.7 Procedure for Any Inventory

Whenever an officer is authorized (refer to different categories to determine extent of authorized inventory) to inventory a vehicle under these guidelines, he may examine the passenger compartment, the glove compartment, and the trunk, whether or not locked. Any container--such as boxes or suitcases--found within the vehicle may be opened. Immediately upon completion of the inventory, the officer shall, if possible, roll up the windows and lock the doors and the trunk.

4-307. When Foregoing Guidelines May be Disregarded

Whenever it appears that any of the foregoing guidelines should be modified or disregarded because of special circumstances, specific authorization to do so should be obtained from the commanding officer.

4-300.

CONSENT FOR SEARCH

MY RIGHTS

Place _____

Date _____

Time _____

I, _____, of (address) _____

, _____, Wisconsin, being _____ years of age and

having been fully advised by the Eau Claire City Policemen _____,

of my constitutional rights; namely that:

I HAVE A RIGHT TO REFUSE TO GIVE CONSENT TO THE AUTHORITIES

TO SEARCH THE PREMISES AND PROPERTY HEREIN DESCRIBED.

Having these rights in mind and fully understanding them I do

hereby consent to a search by the Eau Claire Police Department of

(Describe premises & property to be searched)

Signed _____

Witness _____

Witness _____

Time _____

4-600

4-600 EYEWITNESS IDENTIFICATION

4-601 General Purpose

The department's purpose in establishing the following uniform procedure for identification of suspects by eyewitnesses to a crime is to promote practices, which will safeguard innocent persons, while ensuring that those who are guilty are arrested and convicted.

Eyewitness identification procedures are among the most important techniques that police presently use to apprehend and convict criminals. Police conduct must be reliable, fair, and able to withstand both judicial and community scrutiny. Procedures, which suggest the guilt of a particular suspect to an eyewitness, must be avoided. In all cases, the honest recollection of the eyewitness must govern.

4-602 Definitions

- A. Blind Shuffle – Process where the suspects' photo is placed in an identical individual envelope as that of the Filler photos; then shuffled (mixed up) so that the showing officer does not know when the suspect will be shown
- B. Fillers – Non-suspects (in-person or photographs) who are used for comparison purposes. At least five Fillers should be used in each Photo Lineup and four in Live Lineups. Increasing Fillers tends to increase the reliability of the procedure.
- C. In-Person Lineup – An identification procedure in which a suspect is placed in a live group setting with similar persons and presented to a witness.
- D. Photo Lineup – An identification procedure in which a suspect's photograph is placed in a group of other similar photographs and shown sequentially to a witness.
- E. Sequential Procedure – Process where an eyewitness views only one person/photo at a time and makes a decision either "that is the actor or that is not the actor".

Effective Date 03/01/80
Revised Date 03/05/90
Revised Date 08/15/92
Revised Date 09/30/05

4-600

- F. Show Up – When a lone suspect is presented by the police, to a witness or victim, so that the witness or victim might make an identification of the suspect as the perpetrator.

4-603

Guidelines for Eyewitness Identifications

- A. Officers generally should not include more than one suspect in each In-Person/Photo Lineup.
- B. Officers shall select Fillers that resemble the suspect. Officers shall include at least five (5) Fillers per Photo Lineup and four per Live Lineup. This amount may be reduced if there are not enough similar Fillers available. However, increasing Fillers tends to increase the reliability of the procedure.
- C. Officers shall not use the same Fillers in In-Person/Photo Lineups shown to the same witness when showing a new suspect.
- D. No writings or information concerning previous arrest(s) shall be visible to the witness during any identification procedure.
- E. Officers shall read and follow the instructions on form ECPD-600-1 or 600-2, titled “Eyewitness Instruction Sheet” or “Live Lineup Instruction Sheet”, as applicable.
- F. Officers shall avoid saying anything to a witness that may influence the witness’ identification of a suspect.
- G. If a witness makes an identification, an officer should not make any statements that would either reinforce or discourage the witness’s identification.
- H. Officers shall not display a suspect, or likeness (photograph, composite drawing or sketch), of a suspect, to more than one witness simultaneously. If multiple witnesses are to see such suspects or likenesses, they should be kept separated from each other.
- I. Witnesses, who have taken part in any identification procedure, shall not be allowed to express conclusions within earshot of another person who is about to be, or has been, involved in the same identification procedure.

Effective Date 03/01/80
Revised Date 03/05/90
Revised Date 08/15/92
Revised Date 09/30/05

4-600

- J. Officers shall not by word or gesture, suggest opinions to any witness that the suspect committed the crime.
- K. Officers shall place photos/suspects in random order. The suspect should never be in the number one position.
- L. Officers shall not tell witnesses how many photos/persons they are going to view.
- M. Officers shall not make reference that a suspect is in the group being shown.
- N. Officers shall use the Sequential Procedure when conducting an In-Person/Photo Lineup.
- O. Officers should never ask a witness to make a partial identification using a percentage. Officers shall document the exact words used by the witnesses to describe a "partial" identification, such as "probably", or "looks like but is different".
- P. Officers conducting an In-Person/Photo Lineup shall complete an In-Person/Photo Lineup Worksheet, form ECPD-600-3. Further, a supplemental report, which details the identification process and all pertinent statements, shall be completed.

4-604

Procedures

In-Person Lineup

- A. Shall only be conducted with the approval of a Detective Division Supervisor.
- B. Shall not be used when the following circumstances make it unwise or impractical:
 - a. The unusual appearance of the suspect makes it difficult to find suitable persons to include in the lineup.
 - b. The suspect is in custody at a location too far from the witness to make it practical.
- C. All non-suspects in the lineup shall be instructed to conduct themselves so as not to single out the actual suspect.

Effective Date 03/01/80
Revised Date 03/05/90
Revised Date 08/15/92
Revised Date 09/30/05

4-600

- D. If special gestures, stances, or utterances by the participants of a lineup are required, all participants should be given instructions to do so in the same manner and time frame as the suspect.
- E. Officers shall assemble the lineup, containing the suspect and at least four Fillers. All subjects should be kept out of view of the witness. Place the fillers and suspects in a pre-determined order, although a Filler should always be first. Present the lineup one person at a time, asking the witness, "Is this the person you saw (insert crime)?" after each person is presented. Follow all procedures if a positive response is received. Remove each person from view before the next person is presented.
- F. If a witness requests to view any one subject again, then the officer shall instruct the witness that all subjects will be shown. This must be documented.
- G. Photos shall be taken of the suspect and the non-suspect fillers that participate in the lineup. These photographs should be placed in evidence.
- H. If a suspect refuses to participate in an In-Person Lineup, consult a Detective Division Supervisor, who can then consult with the District Attorney.
- I. If a suspect has been charged in court with a crime, then the suspect has a right to an attorney. The suspect's attorney shall be allowed to observe the lineup, but may not obstruct or control the lineup. Any comments or suggestions by the attorney should be noted and documented in the supplemental report.

Photo Lineup

- A. Officers should use a photograph of the suspect that resembles the suspect's description or appearance at the time of the incident.
- B. Officers should use the Blind Shuffle process.

Effective Date 03/01/80
Revised Date 03/05/90
Revised Date 08/15/92
Revised Date 09/30/05

4-600

- C. Officers shall place the suspect's photo and each filler photo in separate envelopes. A filler photo should be placed as the number one envelope. The remaining envelopes should be shuffled. Two envelopes, which are empty, should be placed as the last two envelopes in the group. Lastly, number all envelopes.

The stack of envelopes that is placed in front of the witness will be constructed as follows: One Filler – The suspect with at least four Fillers (shuffled) – Two empty envelopes. The officer will not know which envelope contains the suspect. Officers should seat themselves so that they can not see the photos, so that they do not influence the witness.

- D. If a witness requests to view any one photo again, the officer shall instruct the witness that all photos will be shown. This request and procedure must be documented.
- E. If a positive identification is made, the officer shall have the witness sign and date the back of the photograph identified.
- F. All other photographs used in a Photo Lineup shall be preserved in their original envelopes and placed into evidence.

Showup

In recent court rulings, the Wisconsin Supreme Court ruled that showup identifications are generally unduly suggestive. (State v. Tyrone Dubose 2005 WI 126) A showup identification should be used in very limited pre-arrest investigative stops where no probable cause exists to further detain a potential suspect. If an officer chooses to conduct showup identification, the following guidelines apply.

- A. Officers shall seek approval of a supervisor.
- B. The showup procedure should take place at the place of the stop.
- C. The potential suspect should not be seated in a squad car or be in handcuffs at the time of the viewing by a witness.

Effective Date 03/01/80
Revised Date 03/05/90
Revised Date 08/15/92
Revised Date 09/30/05

4-600

- D. Obtain a detailed description of the suspect, from the witness, prior to the Showup.
- E. The witness should be told, "This may or may not be the subject" and "The investigation will continue whether you can make an identification or not."
- F. The exact response, to seeing the potential suspect, should be noted and included in the police report.
- G. Compliance with these guidelines shall be documented in the police report.

Effective Date 03/01/80
Revised Date 03/05/90
Revised Date 08/15/92
Revised Date 09/30/05

Eau Claire Police Department
Photo Eyewitness Instruction Sheet

Case number:	Officer:	Date:	Time:
Name:		Date of Birth:	
Address:		Phone:	
City, State, Zip Code:			

Instructions to Witness

(To be read by an officer)

1. The envelopes in front of you contain photos. In a moment, I am going to ask you to look at the photos. The person who committed the crime may or may not be included in the photos. Although I placed the photos into the envelopes, I have shuffled the envelopes so that right now, I do not know which envelope contains a particular photo.
2. Even if you identify someone during this procedure, I will continue to show you all the photos.
3. Keep in mind that things like hair styles, beards, and mustaches can be easily changed and that complexion colors may look slightly different in photographs.
4. You should not feel you have to make an identification. It is as important to exclude innocent persons as it is to identify the perpetrator.
5. You will look at the photos one at a time; since I have shuffled them, they are not in any particular order. When you open an envelope, please open it in a manner that does not allow me to see the photo inside. Take as much time as you need to look at each one. When you have finished looking at a photo, place it back into the envelope and hand it to me. I will then ask you, "Is this the person you saw (insert the act here)?" Take your time answering the question. If you answer "Yes", I will then ask you, "In your own words, can you describe how certain you are?"
6. Because you are involved in an ongoing investigation; in order to prevent compromising the investigation, you should avoid discussing this identification procedure or it's results.
7. Do you understand the way the photo array procedure will be conducted and the other instructions. **Answer:** _____

I have read and had read to me, the above instructions and understand how the photo array process will work.

Witness signature: _____

Officer signature: _____

Effective Date 03/01/80
Revised Date 03/05/90
Revised Date 08/15/92
Revised Date 09/30/05

**Eau Claire Police Department
Live Lineup Instruction Sheet**

Case number:	Officer:	Date:	Time:
Name:		Date of Birth:	
Address:		Phone:	
City, State, Zip Code:			

Instructions to Witness

(To be read by an officer)

8. In a moment, I am going to show you a series of individuals. The person who committed the crime may or may not be included. I do not know whether the person being investigated is included.
9. Even if you identify someone during this procedure, I will continue to show you all of the individuals.
10. Keep in mind that things like hair styles, beards, and mustaches can be easily changed.
11. You should not feel you have to make an identification. It is as important to exclude innocent persons as it is to identify the perpetrator.
12. The individuals will be shown to you one at a time and are not in any particular order. Take as much time as you need to look at each one. After each individual, I will ask you, "Is this the person you saw (insert the act here)?" Take your time answering the question. If you answer "Yes", I will then ask you, "In your own words, can you describe how certain you are?"
13. Because you are involved in an ongoing investigation; in order to prevent compromising the investigation, you should avoid discussing this identification procedure or it's results.
14. Do you understand the way the live lineup procedure will be conducted and the other instructions. **Answer:**_____

I have read and had read to me, the above instructions and understand how the live lineup process will work.

Witness signature: _____

Officer signature: _____

Effective Date 03/01/80
Revised Date 03/05/90
Revised Date 08/15/92
Revised Date 09/30/05

In-Person/Photo Lineup Worksheet

Case Number:	Case Type:	Officer:
Location of Lineup:	Date:	Time:

Witness Information

Name:	DOB:
Address:	Phone:

Other Persons Present

Name:	Representing or Purpose

Person/Photos Depicted in Lineup

Person / Photo #	Last	Name First MI	Sex / Race DOB	Identified Yes - - - - No
1				
2				
3				
4				
5				
6				
7				

Officer _____

Date _____

Supervisor _____

Date _____

Copy: Detectives

Effective Date 03/01/80
Revised Date 03/05/90
Revised Date 08/15/92
Revised Date 09/30/05

4-701. USE OF SEAT BELTS

4-701.1 Policy Statement

Various studies have indicated a direct relationship between motor vehicle crashes (and severity of injury) and the use of seat belts. It is a goal of this department to take all feasible steps to ensure the safety of its members and that of the public we serve.

Because the nature of the police profession requires extensive driving in a variety of conditions and circumstances, the likelihood of being involved in an accident is dramatically increased. Further, the likelihood of death or serious injury resulting from motor vehicle crashes can be substantially reduced.

4-701.2 Departmental personnel shall, whether as a driver or passenger, wear an available seat belt in a moving departmental vehicle, whether on or off duty, and shall not operate a departmental vehicle lacking an operable seat belt if a replacement vehicle is then available.

4-701.3 There are circumstances in which use of seat belts and/or restraining devices may hamper efficient conduct of police functions, and officers are encourage to make a determination that efficiency of operations outweighs the safety benefit.

- A. When a police department owned vehicle is not equipped with seat belts.
- B. When a driver makes frequent stops and the speed of the vehicle does not exceed 20 MPH.
- C. When a driver possesses a written indication from a physician and is unable to wear the seat belt for medical or physical reasons.
- D. When the use of a seat belt would interfere with the operation of the vehicle or compromise officer safety, i.e., felony stop situations, or similar exigent circumstance.

4-701.4 Every passenger shall wear a properly adjusted and fastened seat belt unless such passenger belongs to a class of persons exempted for medical, physical, or occupational reasons. These reasons should be documented in the officer's report.

4-701.

- 4-701.5** If in the judgment of the operator of the police vehicle, the securing of the seat belt presents a danger, the seat belt should not be used, i.e., unruly prisoner, and there exists a possibility that injuries could occur by forcing the seat belt usage. In cases such as this, officers should make certain to use due care when transporting a prisoner under such conditions. (Read in conjunction with 2-1700 and detail in their report.
- 4-701.6** Officers, whether on or off duty and utilizing privately owned vehicles at city expense, are hereby directed to abide by the above-stated policy.

4-702.

4-702. Use of Squad Push Bumpers

Push bumpers may be used to push stalled or disabled vehicles from intersections or traffic lanes. This action will restore normal traffic flow, reduce the threat of injury to officers and civilians, reduce the chances for vehicle accidents, and allow officers to be free to respond to other calls.

A. Guidelines for Push Bumper Use

1. Inspect the disabled vehicle for prior damage and insure that the rear bumper is properly affixed.
 - a. Show any damage to the owner prior to pushing.
 - b. Do not push the vehicle if you feel damage will result.
2. Discuss the pushing procedure with the other driver.
 - a. Power steering and brakes will be affected in a non-running vehicle.
 - b. Make sure the other driver understand your plan.
 - c. If you feel the operator is physically incapable of completing the maneuver or does not understand your instruction, do not push the vehicle.
3. Assure the following conditions are met prior to pushing:
 - a. The push bumper and the vehicle bumper line up.
 - b. The vehicle to be pushed has its ignition on to release the steering wheel.
 - c. The vehicle is in neutral gear.
4. Pushing procedure:
 - a. Slowly pull up behind the vehicle to make contact with its bumper.
 - b. Accelerate slowly to achieve a speed great enough to allow the pushed vehicle to coast to the designated safe area.
 - c. Reduce the squad speed so that the vehicles separate prior to any turning maneuver.

4-702.

5. Push bumpers will NOT be used to:
 - a. Push vehicles farther than the closest safe area;
 - b. "Push start" other vehicles;
 - c. Push large, heavy, or damaged vehicles that may damage the squad car.
6. If damage is incurred as a result of pushing, note so in a police report and route to Administrative Services.

4-800.

4-800. GUIDELINES FOR THE OPERATION OF EMERGENCY VEHICLES

Members of the department shall at all times operate police vehicles with due regard for the safety of all persons in our community. When operating under emergency conditions, officers shall carefully balance the risks involved against the public interests to be promoted, recognizing always that the exemptions provided by law to authorized emergency vehicles do not protect an operator of an emergency vehicle from the consequences of reckless disregard for the safety of others.

4-801. Authorized Emergency Vehicle Situations

Vehicles may be operated in emergency mode under the following circumstances:

- A. In response to calls of an emergency nature.
- B. In pursuit of an actual or suspected violator of the law.
 - 1. Wisconsin Statutes 346.03(4)1-4 do not relieve the operator of an authorized vehicle from the duty to operate with due regard under the circumstances for the safety of all persons, nor do they protect such operator from the consequences of his or her reckless disregard for the safety of others.
 - 2. In many situations, several emergency vehicles may be responding to a scene at the same time. Officers shall be especially alert in these situations to ensure the safe arrival of all responding emergency vehicles.
 - 3. Intersections present a special hazard to emergency vehicles. Officers should always slow the speed of their vehicles when approaching an intersection and be able to stop, if necessary.

4-802. Use of Warning Devices

- A. The emergency lights shall be activated whenever an officer, in the course of duty, stops, stands or parks a vehicle contrary to the rules of the road.

Revised Date 01/01/96
Revised Date 06/01/98
Revised Date 09/28/04

4-800.

Officers may, however, elect to only use vehicle hazard flashers, rather than the emergency lights on their vehicles, whenever it is necessary to stop, stand or park in a space adjacent to a curb, which is not a legal parking space, as long as the vehicle does not obstruct a traffic lane.

- B. The emergency lights and siren shall be used whenever an officer, in the course of duty, passes through a stop sign or signal, operates contrary to regulations governing direction of movement or turning, or exceeds the speed limit (see 4-802.C).
- C. An Officer operating a police vehicle may exceed the speed limit without giving audible and visual signal under the following circumstances:
 - 1. When obtaining evidence of a speeding violation, but shall activate this equipment and attempt to stop the violator once sufficient evidence is obtained for the violation.
 - 2. When responding to a call which the officer reasonably believes involves a felony in progress and the officer reasonably believes any of the following.
 - a. Knowledge of the officer's presence may endanger the safety of a victim or other person.
 - b. Knowledge of the officer's presence may cause the suspected violator to evade apprehension.
 - c. Knowledge of the officer's presence may cause suspected violator to destroy evidence of a suspected felony or may otherwise result in the loss of evidence of a suspected felony.
 - d. Knowledge of the officer's presence may cause the suspected violator to cease the commission of a suspected felony before the officer obtains sufficient evidence to establish grounds for arrest.
- D. Unmarked vehicles are subject to the same restrictions as marked vehicles.

Revised Date 01/01/96
Revised Date 06/01/98
Revised Date 09/28/04

4-800.

4-803. Non-Commissioned Members of the Department

Non-commissioned members of the department may operate Police Department vehicles only as authorized by the Chief of Police. Although non-commissioned members of the department shall, for the protection of the public, operate the emergency lights of a police vehicle if it becomes necessary to stop, stand or park contrary to the rules of the road (e.g., to protect persons and vehicles at an accident scene or at the location of a traffic hazard until an officer's arrival), they are never authorized to operate the vehicle's emergency lights and/or siren to exceed the speed limit, to operate contrary to regulations governing direction of movement or turning, or to pass through a stop sign or signal.

4-804. Vehicle Pursuit Policy

- A. Pursuit Definition: A vehicle pursuit occurs when an officer attempts to stop another vehicle by giving both an audible and visual signal and the officer reasonably believes the violator is refusing to stop and is attempting to elude.
- B. The department recognizes that decisions to initiate and continue the pursuit of vehicles and suspects who are attempting to elude the police in a vehicle must, as a matter of public policy, reflect a balance of the public interests inherent in both the apprehension of violators of the law and in insuring the safety of all persons who might potentially be endangered by the pursuit. The propriety of any pursuit depends on the specifics of each particular situation, and officers must be prepared to articulate the conditions which existed at the time of their decision. Consideration must be given not only to the nature and gravity of the offense(s) involved, but also to the degree of danger to the safety of members of our community which may inadvertently arise as a result of a pursuit. ~~The policies reflected in the guidelines which follow are based on the belief that responsible policing may, of necessity, require that the apprehension of a suspect be postponed, even in potentially serious situations.~~ This is particularly true when, at the time of a decision to pursue or to discontinue pursuit, a situation of unreasonable danger to officers and other persons in our community exists which outweighs the competing public interests involved in the apprehension of the violator.

Revised Date 01/01/96
Revised Date 06/01/98
Revised Date 09/28/04

4-800.

C. Assessment of Risks

When an officer becomes involved in a pursuit, his/her first concern should always be the safety of all who can be affected by the pursuit.

Consideration should be given to time of day, vehicular and pedestrian traffic, weather and road conditions, etc. If in the officer's good judgment, it is relatively safe to continue the pursuit, he/she should fully utilize his radio by informing other units of:

1. The unit number and the fact that he/she is in pursuit;
2. Location and direction of travel;
3. The reason for the pursuit;
4. The identification of the vehicle and its occupants.

In making the initial decision to pursue, and while in pursuit, officers and supervisors must continually evaluate a variety of information to determine whether the pursuit of an eluding vehicle presents risks which outweigh the public interest involved in apprehension. The conditions identified below are among those which must receive consideration. Although they are identified individually, each can have an effect on another. Their value for decision-making purposes is enhanced when considered in combination.

1. Nature and gravity of offense;
2. Reason for pursuit;
3. Type, actions and speed of the vehicle being pursued;
4. Geographic area of pursuit and its population density;
5. Time and day/day of week;
6. Necessity to apprehend;
7. Type and condition of police vehicle;
8. Vehicular and pedestrian traffic in area;
9. Road and weather conditions;
10. Probability of apprehension;
11. Identity of suspect known;
12. Officer's familiarity with the area of pursuit;
13. Safety of non-commissioned passengers in emergency vehicle.

Revised Date 01/01/96
Revised Date 06/01/98
Revised Date 09/28/04

4-800.

D. Officer Responsibilities

The responsibility for the decision to pursue, the method to be employed, and the continuation of pursuit rests with the primary officer. A supervisor, pursuant to policy 4-804(E), may provide direction up to and including termination of the pursuit. Nothing in this policy precludes an officer from terminating a pursuit when he/she deems it appropriate.

E. Supervisor Responsibilities

Eau Claire Police Department supervisors have the following responsibilities in pursuit situations:

1. Monitor the pursuit from the point of notification to its conclusion;
2. Control, if appropriate, by directing and coordinating the police units involved in the pursuit;
3. Terminate any pursuit which in the supervisor's judgment does not conform to the guidelines of Section 4-804 (F).
4. Respond, if possible, to the scene of the pursuit termination to direct police actions at the scene and insure adherence to all Department policies and procedures.

F. Authorized Pursuit

The pursuit of vehicles eluding police vehicles is authorized in accordance with the following guidelines:

1. Officers may pursue, attempt to stop and apprehend, as expeditiously and safely as possible, any person in a vehicle who the officer has reasonable cause to believe:
 - has committed or attempted to commit a felony involving the use or threatened use of deadly force when a high probability exists that, if not immediately apprehended, the suspect may cause death or great bodily harm, or;
 - is operating a vehicle in a manner which creates a high probability of death or great bodily harm.

Revised Date 01/01/96
Revised Date 06/01/98
Revised Date 09/28/04

4-800.

Officers shall discontinue pursuit when the act of pursuit, in itself, creates a known unreasonable danger of death or great bodily harm to officers, the suspect, or to uninvolved persons.

2. All Other Criminal (Non-Traffic) Violations –

Officers may pursue and attempt to apprehend any person who is eluding apprehension in a vehicle when the officer has reasonable cause to believe the person committed any non-traffic criminal (felony or misdemeanor) violation, but shall discontinue pursuit when the known risks associated with the pursuit outweigh the public interest in apprehension. (See 4-804 (c) (1-13).

3. All Traffic and Ordinance Violations

Officers may pursue and attempt to apprehend any person who is eluding apprehension in a vehicle when the officer has reasonable cause to believe the person committed any traffic or ordinance violation but, shall discontinue pursuit when:

- The known risks associated with the pursuit outweigh the public interest in apprehension, or
- Officers know the identity of or obtain sufficient information to identify the suspect for apprehension at a later time.

The nature of pursuit is a dynamic event and circumstances can change instantaneously. Officers involved in pursuits must exercise sound judgment, weigh the seriousness of the offense, and continually evaluate the factors listed in 4-804 (C) (1-13).

G. Pursuit Procedures

Because each pursuit situation may differ, officers shall adhere to the following procedures when available time and circumstances permit.

Revised Date 01/01/96
Revised Date 06/01/98
Revised Date 09/28/04

4-800.

1. Promptly inform the Emergency Communications Center of the following:
 - a. The unit number and the fact he/she is in pursuit.
 - b. Location and direction of travel.
 - c. The reason for the pursuit.
 - d. The identification of the vehicle and its occupant(s).
2. Maintain contact with the Emergency Communications Center informing them of:
 - a. A change of direction.
 - b. The speed of the vehicles involved.
 - c. The action of the vehicle being pursued (i.e., driving recklessly, no lights, etc.)
3. After being notified of a pursuit, the Communications Center shall promptly restrict a channel to current transmissions.
4. Whenever possible, a specific unit should be assigned as secondary officer by a supervisor.
5. Preferably, two units should be actively engaged in the pursuit. The secondary unit should take responsibility for radio communications during the pursuit.
6. Preferably, pursuing units should be marked police vehicles.
7. The secondary unit shall remain a safe distance in back of the pursuit unit and be ready to assist when the violator's vehicle is stopped.
8. The secondary police vehicles shall not attempt to pass or caravan with the primary unit. This guideline is not to preclude passing or otherwise taking a primary vehicle which has become disabled or when the primary vehicle operator relinquishes pursuit to the secondary vehicle.

Revised Date 01/01/96
Revised Date 06/01/98
Revised Date 09/28/04

4-800.

9. While it may be necessary, particularly during the pursuits of suspects in serious criminal situations, for officers not directly involved in a pursuit to proceed toward the general pursuit area, only the primary and secondary police vehicles shall directly pursue and eluding vehicle.
 10. As a pursuit proceeds through adjoining patrol districts, officers in these areas may respond to the pursuit, consistent with policy 4-802 (B) (warning devices), so as to be available in the event their assistance is needed.
 11. The Communication Center shall be immediately notified of the termination location of the pursuit. The primary officer shall retain responsibility for maintaining control and adherence to department policy and procedure at the scene until the arrival of a supervisor.
 12. Upon notification of the apprehension of the vehicle and/or suspect, the Communication Center shall ensure
 - Secondary units are informed of the termination point.
 - Adequate assistance is on the scene or en route.
 - A supervisor is notified and dispatched to the scene.
- H. Pursuits into other jurisdictions.

If the pursuit proceeds into another police jurisdiction, the following procedures will be used:

1. When other police jurisdictions become involved, communications must be established. Pursuit vehicles may have incompatible radio frequencies, therefore, a common frequency should be dedicated and maintained until the pursuit is terminated.
2. When it becomes apparent (to the primary officer), that the pursuit is likely to enter the jurisdiction of an adjoining agency, that agency should be notified of pursuit information:

Revised Date 01/01/96
Revised Date 06/01/98
Revised Date 09/28/04

4-800.

- a. The unit number and the fact he/she is in pursuit;
- b. Location and direction of travel;
- c. The reason for pursuit;
- d. The identification of the vehicle and its occupant(s);
- e. Advise the number of vehicles entering their jurisdiction.

This notification may be made through the Communications Center, supervisory notification, the pursuing officers, or by any reasonably effective means.

3. When appropriate, communication responsibilities should be transferred to the law enforcement dispatch center where the pursuit is taking place.
 4. Preferably, the pursuing units should include a unit from the originating agency and a unit familiar with the area.
 5. If the Eau Claire Police Department is the originating agency and chooses to terminate a pursuit, that Eau Claire pursuit unit will notify, via radio, the other agencies of the termination decision.
 6. It is recommended that the originating agency schedule a joint debriefing session of all involved law enforcement agencies in a timely fashion.
- I. Pursuits from other Jurisdictions

Eau Claire police officers will not become involved in another jurisdiction's vehicle pursuit unless authorized by an Eau Claire Police Department supervisor. Upon receiving a request for pursuit assistance, the Emergency Communications Center will obtain and relay information to officers regarding the request, including pursuit location, vehicle description, direction of travel, speed of pursuit, **REASON FOR PURSUIT**, unit numbers of involved officers, and any other information deemed pertinent. Eau Claire police involvement in the pursuit will proceed thereafter in accordance with provisions of 4.804(F) and (G), as it pertains to Eau Claire Police Department officer involvement, and 4.804(H) (Pursuits into other Jurisdictions).

Revised Date 01/01/96
Revised Date 06/01/98
Revised Date 09/28/04

4-800.

4-805

Use of Vehicular Force:

- A. As Noted in 4-804(B), ~~the policies reflected in the guidelines that follow are based on a belief that responsible policing may necessarily require that the apprehension of a suspect be postponed, even in potentially serious situations.~~

- B. Types of force:

The following types of force, which may be utilized in a vehicular pursuit, are listed as hierarchy of force, beginning with the lowest level, and who may authorize them:

1. Following:

The department recognizes the very act of pursuing another vehicle utilizes some degree of force and this level of force must be terminated when the act of pursuit creates a known unreasonable danger of death or great bodily harm to officers, the suspect, or to uninvolved persons. (See 4-804 (E) and (F) for specific guidelines.)

The officer primarily involved with the pursuit is authorized to initiate, continue the pursuit, or discontinue the pursuit consistent with the requirements of 4-804 (F and G). A supervisor shall monitor, provide assistance, and may assume control of the pursuit when appropriate. (See 4-804 (E)).

2. Channelization:

An intermediate intervention option between pursuing and the use of deadly force, wherein equipment and/or vehicles are placed on the roadway to divert/guide a fleeing vehicle in a given direction. The goal of this tactic is to ~~guide the direction~~ of a pursued vehicle, but not to stop the vehicle.

Revised Date 01/01/96
Revised Date 06/01/98
Revised Date 09/28/04

4-800.

Channelization will be used to divert fleeing vehicles from high traffic areas or to areas where apprehension can be affected with the least risk. The following factors will be utilized when employing this tactic:

- Usually, only one escape route should exist;
- The selected location must provide the fleeing driver with sufficient sight and maneuvering distance;
- No private vehicles should be used for channelization unless authorized by a supervisor;
- If possible, all non-related traffic should be diverted away from the selected location.

This tactic should be approved, set up, and controlled by a supervisor whenever possible.

2. Controlled Tire Deflation:

- a. Controlled tire deflation is an intermediate force option for resolving pursuits where traditional roadblocks would be excessive force and discontinuation of pursuit is not a reasonable option. Refer to 4-804 (F).
Controlled tire deflation involves the utilization of equipment with hollow spikes. Controlled tire deflating devices are placed across the roadway at a location meeting the requirements for a roadblock. As a tire passes over the controlled tire deflation device, hollow spikes enter the tire and cause it to slowly deflate.
- b. This tactic will be authorized by a supervisor whenever possible. Consideration will be given to the following:
 - i. These devices will only be utilized when the apparent risk of harm to the public, officers, and fleeing suspect is so great as to outweigh the risk or harm involved in making the controlled tire deflation stop.

Revised Date 01/01/96
Revised Date 06/01/98
Revised Date 09/28/04

4-800.

- ii. The officer attempting to apprehend the fleeing suspect has given adequate notice of a command to stop to the suspect, by means of both red and blue emergency lights and siren.
- iii. The fleeing suspect ignores the efforts and warnings obvious and visible to a reasonable person in the suspect's position.
- iv. Other reasonable means of apprehension have been ineffective or have been rejected as impractical.
- v. Controlled tire deflation will be utilized in an attempt to: save lives, prevent injuries, minimize property damage, and apprehend suspects with reasonable force.
- vi. Controlled tire deflation devices will be deployed according to Eau Claire Police Department policy, procedure, and training.
- vii. Controlled tire deflation devices will not be used to stop motorcycles, mopeds, similar two-wheeled vehicles, or any vehicle which would pose an unusual hazard to innocent parties. (An exception to this would be deadly force situations. See: 4-900.)

c. Deployment Procedure:

- i. The pursuing unit shall notify those at the deployment site of the approach of the pursuit, as far in advance as possible.
- ii. Officers should insure the below listed precautions are taken during deployment.

Revised Date 01/01/96
Revised Date 06/01/98
Revised Date 09/28/04

4-800.

- iii. Officers should avoid the blind areas of hills and curves.
 - iii. Officers at the scene of an authorized roadblock shall attempt to remove and/or isolate all non-involved persons from the danger area of the roadblock.
 - iv. Emergency warning lights must be on and visible. There must be adequate visual warning for both the violator and other motorists so they can stop. Only marked squads will be utilized.
 - v. Deployment locations should provide a good line of sight to enable the person deploying the road spikes to observe the pursuit as it approaches.
- d. The person deploying the controlled tire deflation devices shall be in position at a predetermined location in sufficient time for proper deployment. This is in the interest of officer safety, as well as safety of the public. All pursuing units should be notified when the controlled tire deflation devices are in place. (See attached diagrams for recommended squad position and controlled tire deflating device location.)
- e. After deploying the controlled tire deflating device, all personnel shall position themselves outside their vehicles at a safe distance from the site so as to protect themselves from injury in the event the fleeing driver attempts to do something other than pass over the controlled deflation devices.
- f. If available, another marked squad can be deployed at a safe and strategic location to become the primary pursuit vehicle, if needed. (Refer to Policy 4-804 (G)(7).)

Revised Date 01/01/96
Revised Date 06/01/98
Revised Date 09/28/04

4-800.

- g. The controlled tire deflation device system will be pulled off the roadway as soon as possible after the suspect vehicle has passed.
 - h. The deploying officer will submit a supplement report stating all the facts surrounding the deployment of the controlled tire deflation devices. The report will also specify what equipment needs to be replaced or serviced. Reports should be touted to the head of Administrative Services.
4. Stationary Emergency/Moving roadblocks/Ramming:
- a. **Stationary roadblocks/moving roadblocks/ramming are deadly force. (See: 4-900)**
 - i. A stationary roadblock is the use of deadly force, wherein vehicles or other equipment are placed directly in the path of the fleeing vehicle, at a strategic location, with the goal being to cause the fleeing vehicle to stop.
 - ii. A moving roadblock is the use of deadly force wherein moving vehicles or other equipment are positioned and operated in a fashion that causes the fleeing vehicle to stop.
 - iii. Ramming is the use of deadly force, wherein moving vehicles, with the goal being to cause the fleeing vehicle to stop.
 - b. All deadly force criteria must be met. Criteria for stationary roadblocks/moving roadblocks/ramming includes;
 - reasonable belief that continued movement of the pursued vehicle.

Revised Date 01/01/96
Revised Date 06/01/98
Revised Date 09/28/04

4-800.

- the apparent risk of harm to any person is so great as to outweigh the apparent risk of harm involved in making the forcible stop.
- other reasonable alternative means of apprehension have been tried, considered, or rejected as impractical.
- authorization by a supervisor – if time and circumstances permit.

c. Stationary Emergency Roadblock Deployment Procedure

- i. The pursuing unit shall notify those at the roadblock site of the approach of the pursuit as far in advance as possible.
- ii. Officers should identify potential strategic locations prior to deployment of the roadblock.

- a. Officers shall avoid the blind areas of hills and curves.
- b. Officers at the scene of an authorized roadblock shall attempt to remove and/or isolate all non-involved persons from the danger area of the roadblock.
- c. Emergency warning lights must be on and visible. There must be adequate visual warning for both the violator and other motorists so they can stop. Only marked squads will be utilized.
- d. The squad should be faced in the direction of the oncoming pursuit. Headlights will be off to diminish glare. Refer to diagram for proper positioning.

Revised Date 01/01/96
Revised Date 06/01/98
Revised Date 09/28/04

4-800.

- e. All pursuing units should be notified when the roadblock is in place.
- f. After establishing the roadblock, all personnel should position themselves outside their vehicles at a safe distance from the site, so as to protect themselves from injury.
- g. Privately owned vehicles, such as tractor/trailer units, should not be utilized during stationary emergency roadblocks, moving roadblocks or ramming unless it is authorized by a supervisor.

4-800.

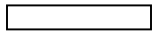
**CONTROLLED TIRE DEFLATION ROADBLOCK
RECOMMENDED POSITIONING
Two Lane, Divided Roadway – One Squad**

LEGEND

Traffic Cones/
Flares



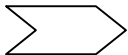
Controlled Tire
Deflation Device



Fleeing Vehicle

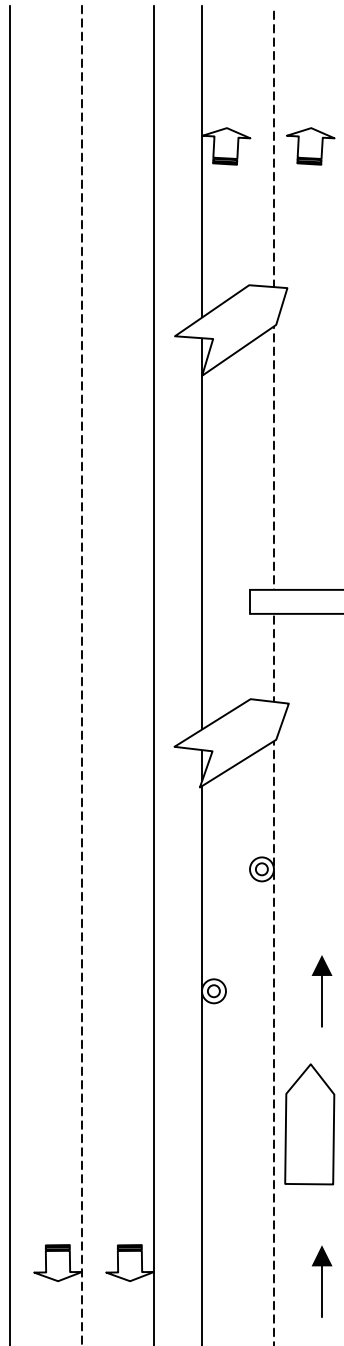


Marked Squad



Procedure Highlights

- Pursuing unit shall notify those at roadblock site of the approach of the pursuit as far in advance as possible.
- Avoid blind areas of hills and curves
- Remove and /or isolate all noninvolved person.
- Emergency warning lights must be on/visible.
- Notify pursuing units when controlled tire deflation devices are in place.
- Officers position themselves outside of vehicle a safe distance away.
- Marked squad deploy at a safe and strategic location to become the primary pursuit vehicle if needed.



Revised Date 01/01/96
Revised Date 06/01/98
Revised Date 09/28/04

4-800.

**CONTROLLED TIRE DEFLATION ROADBLOCK
RECOMMENDED POSITIONING
Three Lane, Divided Roadway – Two Squad**

LEGEND

Traffic Cones/
Flares



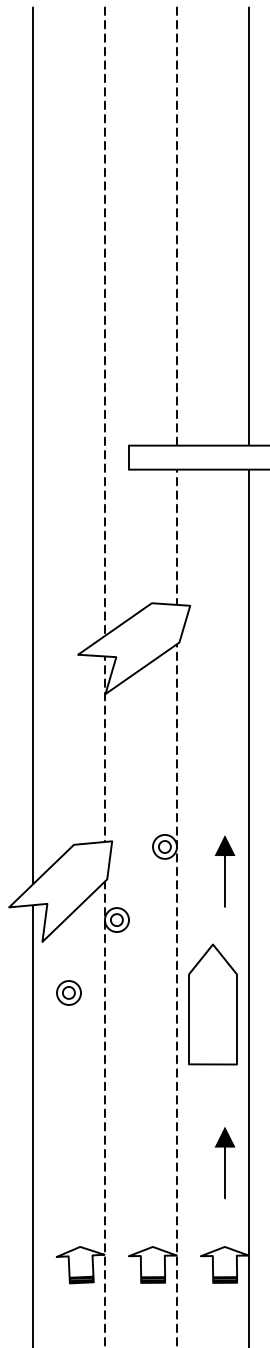
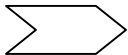
Controlled Tire
Deflation Device



Fleeing Vehicle



Marked Squad



Procedure Highlights

- Pursuing unit shall notify those at roadblock site of the approach of the pursuit as far in advance as possible.
- Avoid blind areas of hills and curves
- Remove and /or isolate all noninvolved person.
- Emergency warning lights must be on/visible.
- Notify pursuing units when controlled tire deflation devices are in place.
- Officers position themselves outside of vehicle a safe distance away.
- Marked squad deploy at a safe and strategic location to become the primary pursuit vehicle if needed.

Revised Date 01/01/96
Revised Date 06/01/98
Revised Date 09/28/04

4-800.

**CONTROLLED TIRE DEFLATION ROADBLOCK
RECOMMENDED POSITIONING
Two Lane, Undivided Roadway – One Squad**

LEGEND

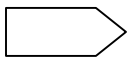
Traffic Cones/
Flares



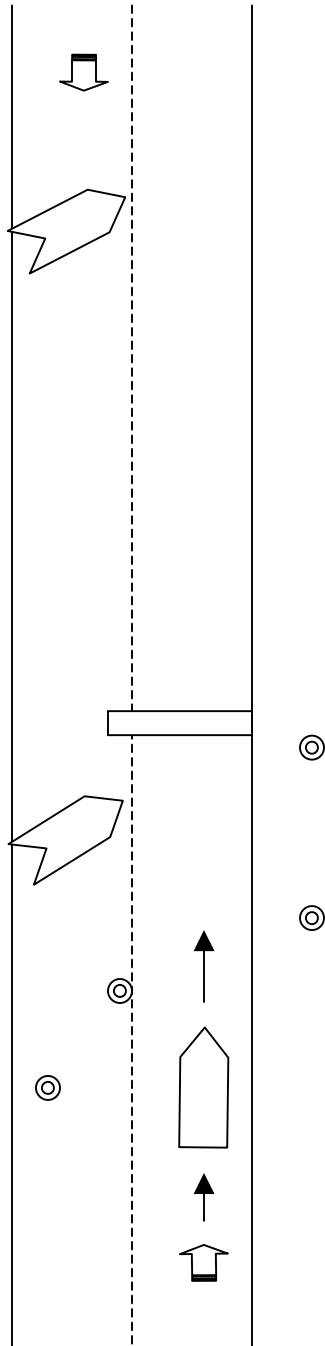
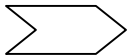
Controlled Tire
Deflation Device



Fleeing Vehicle



Marked Squad



Procedure Highlights

- Pursuing unit shall notify those at roadblock site of the approach of the pursuit as far in advance as possible.
- Avoid blind areas of hills and curves
- Remove and /or isolate all noninvolved person.
- Emergency warning lights must be on/visible.
- Notify pursuing units when controlled tire deflation devices are in place.
- Officers position themselves outside of vehicle a safe distance away.
- Marked squad deploy at a safe and strategic location to become the primary pursuit vehicle if needed.

Revised Date 01/01/96
Revised Date 06/01/98
Revised Date 09/28/04

4-800.

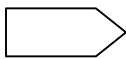
**STATIONARY EMERGENCY ROADBLOCK
RECOMMENDED POSITIONING
Two Lane, Undivided Roadway – One Squad
WILL ONLY BE UTILIZED WHEN DEADLY FORCE IS JUSTIFIED**

LEGEND

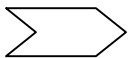
Traffic Cones/
Flares



Fleeing Vehicle



Marked Squad



Procedure Highlights

- Pursuing unit shall notify those at roadblock site of the approach of the pursuit as far in advance as possible.
- Avoid blind areas of hills and curves
- Remove and /or isolate all noninvolved person.
- Squad should face direction of pursuit. Headlights will be off to diminish glare.
- Notify pursuing units when roadblock is in place.
- Exit the squad after the roadblock is set up and move to a position of cover.

Revised Date 01/01/96
Revised Date 06/01/98
Revised Date 09/28/04

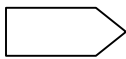
**STATIONARY EMERGENCY ROADBLOCK
RECOMMENDED POSITIONING
Two to Three Lane, Divided Roadway – Multiple Squads
WILL ONLY BE UTILIZED WHEN DEADLY FORCE IS JUSTIFIED**

LEGEND

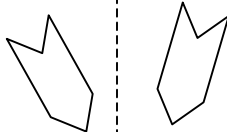
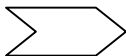
Traffic Cones/
Flares



Fleeing Vehicle-



Marked Squad



Procedure Highlights

- Pursuing unit shall notify those at roadblock site of the approach of the pursuit as far in advance as possible.
- Avoid blind areas of hills and curves
- Remove and /or isolate all noninvolved person.
- Squad should face direction of pursuit. Headlights will be off to diminish glare.
- Notify pursuing units when roadblock is in place.
- Exit the squad after the roadblock is set up and move to a position of cover.
- With a three lane roadway, position a third squad in the additional lane, similarly to the other two.

4-900.

4-900 USE OF DEADLY FORCE

4-901 GENERAL POLICY

Recognizing our legal and moral obligation to use force wisely and judiciously, it is the policy of this department that deadly force shall never be used until an officer reasonably believes that a lesser degree of force would be insufficient to defend the life of another or oneself.

In limited situations, deadly force may be used to apprehend a dangerous felon that the officer has probable cause to believe will pose a significant threat to human life.

4-902 DEFINITION

Deadly force refers to the use of firearms or any other means used in a manner which is likely to cause death.

4-902.1 An officer intending to use deadly force must reasonably believe all of the following criteria of “imminent threat” are present:

- a. INTENT: The displayed or indicated intent to cause great bodily harm or death to you or another person, and;
- b. WEAPON: A weapon capable of inflicting great bodily harm or death (conventional or unconventional weapon), and ;
- c. DELIVERY SYSTEM: The delivery system for utilization of that weapon (the capacity for utilization of the weapon).

4-903 JUSTIFICATION FOR USE OF DEADLY FORCE

4-903.1 Behavior which justifies the use of deadly force is behavior that causes or imminently threatens to cause death or great bodily harm to you or another person.

4-903.2 The use of deadly force is only authorized when an officer reasonably believes a lesser degree of force would be insufficient under any of the following circumstances:

Revised date 03-05-90
Revised date 10-01-98
Revised date 07-26-05

4-900.

- a. In the defense of another person, when the officer has reasonable cause to believe he/she is in an imminent threat of death or great bodily harm.
- b. In defense of oneself, when there is reasonable cause to believe one is in an imminent threat of death or great bodily harm.
- c. To prevent the escape of a fleeing felon who the officer has probable cause to believe will pose a significant threat to human life, should escape occur.
- d. To protect oneself or another from an animal which an officer reasonably believes may cause great bodily harm if not immediately controlled or after giving consideration to public view, safety and all other reasonable means of disposition, to end the suffering of an animal.

4-903.3

When an officer has determined that deadly force is necessary and all other reasonable alternatives having been precluded, the officer must fulfill certain “target requirements.” These include the following:

- a. TARGET ACQUISITION: Does the officer have a target?
- b. TARGET IDENTIFICATION: Even if the target has been “acquired,” the officer cannot shoot until the target has been identified as an individual placing the officer and/or others in “imminent danger”, and;
- c. TARGET ISOLATION: The officer must make every effort to isolate the target from other innocent persons.

4-903.4

Deadly force **SHALL NEVER** be used under the following circumstances:

- a. As a warning (warning shots will not be fired).
- b. From a moving vehicle, unless Section 4-903.2 applies.
- c. At a moving vehicle, unless Section 4-903.2 applies.
- d. As sympathetic fire (officers should never fire their weapon solely because other officers are firing).

Revised date 03-05-90
Revised date 10-01-98
Revised date 07-26-05

4-900.

4-904 INVESTIGATION OF THE USE OF DEADLY FORCE

It is important to recognize that employees, in the course of carrying out their responsibilities, may be confronted by violence and may be required to use deadly force to protect their life or the life of another person. Employees who are compelled to exercise deadly force may experience severe emotional trauma.

The investigative inquiry is to be conducted in a thorough, accurate, and factual manner and must also take into consideration the psychological, physiological, and legal ramifications that such incidents have upon the officer, their family, and the community.

The department recognizes that the psychological and physiological aspects of any violent incident may include auditory, visual, and temporal exclusion. As such, there is a recognition that recollection can be affected.

4-904.1 When an officer is responsible for the use of deadly force, which does not result in injury to or death of a person:

- a. Officers shall inform a supervisor as soon as possible.
- b. An assigned supervisor shall investigate the incident and prepare a written report to be forwarded to the division commander.

4-904.2 When an officer is responsible for the use of deadly force, which results in injury or death of a person:

- a. Officers shall inform a supervisor as soon as possible.
- b. A deadly force investigation is a multifaceted event. The responding supervisor should consider implementation of the incident command system and provide for:
 1. The security and preservation of the scene.
 2. Obtaining a brief summary of the incident.
 3. Removing involved officer(s) from the scene, as soon as possible. A non-involved fellow officer should be assigned to accompany the involved officer(s).

Revised date 03-05-90
Revised date 10-01-98
Revised date 07-26-05

4-900.

4. Insuring that the chief's staff is notified.
 5. Insuring that any officer with information about the incident completes a report regarding their observations or actions, as soon as practical.
 6. Proper retrieval and custody of the weapon (evidence) used by the officer. In the event the weapon retrieved is the officer's duty weapon, a department-owned weapon may be immediately assigned to him/her.
- c. After giving consideration to the constitutional rights of the officer(s) involved and to public and departmental interests, an assigned supervisor shall contact the officer(s) involved and attempt to ascertain the circumstances of the incident.

4-904.3

The Commanding Officer or designee, of the involved officer shall insure that the following services are provided:

- a. An officer involved in a deadly force situation shall be encouraged to contact family members as soon as possible. In the event an officer is unable to provide input as to family contacts, etc., the "injury/line of duty death "packets' file shall be consulted and directions followed.
- b. The involved officer will be placed on a minimum of one day special assignment. Additional days may be scheduled by the officer's Division Commander, if necessary.
- c. As soon as practical, the involved officers and their families shall be offered counseling services. If desired, scheduling will be arranged by the department.

4.905

All media releases shall be cleared through the office of the Chief of Police or their designee.

4-1000.

4-1000. The Use of Non-Deadly Force

4-1001. General Policy

Recognizing our legal and moral responsibility to use force wisely and judiciously, it is the policy of this department that force shall never be resorted to until officers reasonably believe it is necessary in the performance of legal duties.

4-1002. Definition

As used in this policy, non-deadly force refers to the use of any weapon or instrument, or any other physical action taken by an officer which when used does not rise to the level of deadly force as defined in 4-902.

4-1003. The use of non-deadly force is only authorized when an officer reasonably believes it is necessary to control a person under any of the following circumstances.

- a. Detaining a person reasonably suspected of criminal involvement.
- b. Effecting an arrest.
- c. Overcoming resistance.
- d. Preventing escape.
- e. Protecting oneself or another.
- f. Maintaining order.

4-1004. Force shall never be used when a person has ceased to resist or attempt escape except for necessary restraints.

4-1005. Degrees of Non-Deadly Force

4-1005.1 Officers shall only use the degree of force they reasonably believe is necessary to control the situation. In determining the degree of force that is reasonably necessary, an officer shall consider the following factors:

- a. The existence of alternative methods of control.

4-1000.

- b. Physical size, strength and weaponry of the person as compared to the officer's.
- c. Actions of the person.
- d. Exigent conditions (i.e., availability of back-up, number of persons involved, etc.)

4-1005.2 Control of a person through verbal commands shall always be the alternative to the use of physical force and/or non-deadly weaponry. It is recognized that this method is not always effective or appropriate in gaining compliance and it then becomes necessary to escalate the degree of force. When it is determined that verbal commands are neither effective nor appropriate, an officer may escalate the degree of force based on the actions of the person they are attempting to control.

4-1005.3 The concept of escalating/deescalating degrees of force is based on an officer's reaction to a specific action of the person he/she is attempting to control. (NOTE: Officers are not required to begin a confrontation at the verbal command level and escalate step-by-step until control is gained if the officer reasonably believes his/her reaction of the person they are trying to control. Once a person is under control, officers are required to revert to the lowest degree of force necessary to maintain that control.

4-1006. The Use of Police Baton

- a. A police baton may be used only when an officer reasonably believes a lesser degree of force would be insufficient to control the situation.
- b. An officer shall never strike a person's head with a baton unless such an action is justified under the use of deadly force. This section is not intended to apply to an accidental strike to the head as a result of resistance.
- c. Officers shall only use department-approved baton techniques.
- d. Batons issued by the department are the only authorized impact weapons. The use of other devices, flashlights, radios, firearms, etc., are not recommended to be used as impact weapons; however, the department recognized that emergency self-defense situations involving other objects and instruments may occur.

4-1000.

4-1007. The Use of Pepper Spray – (OC)*

- A. Pepper spray may be used by an officer when it is reasonably apparent that a lesser degree of force would be insufficient to control the situation. Pepper spray is the preferred method of meeting any perceived aggressive resistance. Factors to be considered: (reference policy #4-1011).
 - 1. treat assessment – perceived threat.
 - 2. officer/subject factors – size, skill level, etc.
 - 3. special circumstances – location, availability of backup, etc.
- B. An officer shall direct the pepper spray aerosol to the face of the subject. Specific target areas are the eyes, nose, and mouth. The subject should be no closer than two feet.
- C. The following decontamination procedures shall be followed:
 - 1) Expose the subject to fresh air as soon as possible.
 - 2) Advise the subject not to rub their face, unless it is with soap and water.
 - 3) As soon as possible transport the subject to the Eau Claire Police Department garage where subject will be rinsed with cold water until symptoms subside.
 - 4) Ask the subject if they are wearing contact lenses. If they are, provide them an opportunity to remove the contact lenses as soon as possible.
 - 5) Do not apply salves, creams, oils, or lotions which may trap the irritant.
 - 6) A physician should be seen if any of the following occur:
 - a. If the subject requests to see a physician
 - b. If the subject's symptoms do not appear to be improving after approximately 45 minutes
 - 7) Upon release of transfer of custody to the jail, the subject should be advised:
 - a. Contaminated clothing should be removed as soon as possible and washed before being worn again.

4-1000.

- b. Further relief may be experienced by showering and washing the affected area with soap and water.
- D. Personnel may use pepper spray as an effective means of controlling animals when it is necessary. If safely possible, decontaminate the animal by spraying with cold water.
- E. Pepper spray poses no additional medical concerns when used on a pregnant subject.
- F. All officers shall be trained in the use of pepper spray.
- G. All officers shall carry pepper spray while on duty.

4-1007.1 CONDUCTED ENERGY WEAPON CONTROL

Purpose

Conducted Energy Weapon Control has been developed to reduce injuries to officers/subjects by stopping threats from a safe distance. The conducted energy weapon is a less lethal control tool that overrides the central nervous system of the human body without causing injury.

Policy

Conducted Energy Weapons shall be used at the same level of force as pepper spray, to overcome active resistance or its threat. In addition:

1. Conducted Energy Weapons are not meant to replace pepper spray;
2. They are to be considered another option for control. Even though Conducted Energy Weapons are very effective, there could be situations where other less lethal weapons would work more effectively;
3. The use of the Tasar will have lethal force backup, if practical.
4. Conducted Energy Weapons should never be used for coercion outside the control of resistive parties.
5. No deaths have been attributed solely to Conducted Energy Weapons. Officers should use caution using a Conducted Energy Weapon if the environment is dangerous to a suddenly disabled subject. Some Examples are:
 - a. Flammable areas – fire danger
 - b. Heights – falling danger
 - c. Water – drowning danger
6. It is not advisable to deploy Conducted Energy Weapons against a pregnant female or person over 75 years of age unless all other means short of lethal force have been used.

Targeted Areas

Although the entire body is an effective target zone, **do not aim** at the head/throat unless the situation dictates a higher level of injury risk is justified. If possible, fire center mass at the subject's back for the following reasons:

1. Clothing fits tighter
2. Surprise factor

4-1007.1

3. Stronger muscles so the effect is most overwhelming
4. No face, throat or groin exposure

Practical Application

1. Optimum distance is 12-18 feet. The minimum is 3 feet for darts.
2. Prior to deployment, attempt to verbalize (Taser! Taser!) so other officers realize deadly force is not being utilized and to warn subject to comply.
3. Aim center mass.
4. Anticipate the need for depressing the trigger again when additional override of the central nervous system is needed for stabilization.
5. Use in stun mode (no darts) at a distance of under 3 feet. The recommended targets for stun mode are the carotid/brachial stun area, groin and common peroneal)
6. Shut off the weapon if accidentally discharged.

Follow through Considerations

1. Utilize the standard D.A.A.T. follow through considerations
2. Considerations unique to Conducted Energy Weapon Control:
Stabilization

The arrest team can:

- touch and handcuff subject while the Conducted Energy Weapon is active. This should be done as quickly as possible while the threat is disabled.

The arrest team should not:

- touch probes or wires
- step on wires
- touch body between probes

The shooter should anticipate the need for an additional application of control.

Monitor/Debrief

The arrest team should do the following in addition to standard D.A.A.T. procedures:

- remove/break the wire near the probe
- dispose of the probes and wire properly
- locate puncture sites and remove probes as trained, unless the probes are in a sensitive tissue area (face, neck, groin, female breast).

4-1007.1

In that case, emergency room (hospital) staff will remove

- arrange for transport to hospital emergency room if any concerns
- attempt to photograph any injuries
- collect expended cartridge, AFID tags, and place into evidence

Animals

Conducted Energy Weapons have been very successful on animals. It is common for an animal to break the wires once the weapon is no longer active. Officers should be prepared to collar the animal while it is temporarily disabled, if this is desired.

Documentation

Each use of a Conducted Energy Weapon must be documented with a report.

Maintenance

Officers will be assigned to maintenance responsibilities for the Conducted Energy Weapon.

Training

The Department will keep the instructor's certification current. Instructors will provide in-house training, every two years for all personnel that will be using Conducted Energy Weapons.

4-1000.

4-1008. Use of Chemical Agents Other Than Pepper Spray

An officer shall only discharge chemical agents **other than** pepper spray (such as tear gas) under the direction of a supervisor.

4-1009. Use of Handcuffs

An officer shall place handcuffs on any individual who is in custody when the officer reasonably believes the individual may become violent, attempt to escape, or pose a danger to him/herself or others. It shall be mandatory that all persons who have aggressively resisted or attacked another person be placed in handcuffs, double-locked. When restraining devices such as handcuffs are used in the performance of one's official duties, such use shall be included in the official police report.

The hands and feet of **ANY PERSON** in custody will not be restrained in such a fashion that they are connected, a position commonly referred to as hog-tying. This policy applies to all arrests, not just cases involving excited delirium. (4-1010).

This does not preclude officers from placing restraints on a subject's feet as needed, but is intended to avoid restraint asphyxiation.

4-1010. Excited Delirium (Drug Induced Psychosis)

Excited Delirium (Drug Induced Psychosis) is a state of extremely agitated behavior recognized by activity like:

- Extreme paranoia, delusions of persecution and hallucination
- Incoherent yelling and screaming
- Aggression toward objects and other people
- Disrobing, running and hiding
- Extreme physical strength and violent resistance
- Hyperthermia, causing profuse sweating

4-1000.

This behavior can be caused by large amounts of adrenalin and other chemicals released into the body. The effect of these chemicals on the human body is to constrict the blood vessels in the heart and brain, during a time of oxygen demand. The risk of sudden death (**restraint asphyxiation**) increases, especially when the subject is restrained in a prone position.

The following procedures are for control of individuals displaying behavior consistent with drug-induced psychosis/excited delirium.

- If time and safety concerns allow, contain the individual and let the behavior run itself out. Calming statements may help.
- Then gain control quickly with reasonable force. Be aware that prolonged physical confrontations increase the risk of sudden death.
- Once controlled and restrained, place the individual in a seated position that will allow them to breathe freely. **AVOID PLACING THEM IN A PRONE POSITION.**
- Closely monitor for medical needs, repeating efforts to calm the subject with conversation. A sign of medical emergency may exist if the subject becomes quiet.
- Feet may be secured together for safety reasons. Feet will **NOT** be secured to the hands, a position commonly referred to as hog-tying.
- A subject that appears to be suffering from drug-induced psychosis/excited delirium will be transported to the closest emergency room by fire ambulance. Ambulance personnel should be advised of the nature of the case and reminded of the need for transport in a seated position. An officer will ride in the ambulance to assist if requested.
- A complete report detailing use of force and all other relevant information will be completed.

4-1000.

4-1011. Reporting the Use of Force

It shall be the responsibility of any officer who uses physical force, firearms, police baton, pepper spray, other chemical agents, or restraining devices to complete an original or supplementary report on the incident involved. The highest level of force used in any such case should be entered in the space provided on the Part 1 report forms: ie., Level 1, 2, 3, or 4.

Level 1 use of force begins with grip control or minimal force, including and handcuffing. An example would be a situation where a person offers passive resistance.

Level 2 include the use of a control hold, pain compliance, or pepper spray.

Level 3 as outlined includes counter or defensive tactics including punches, kicks, other chemical agents, or the baton.

Level 4 is the officer's use of deadly force.

*In any case where pepper spray is used, it should be documented in parenthesis next to the highest level of force used - ex. Level 3(OC).

(Ref. 4-1007)

(Ref. 4-1011)

4-1000.

4-1012. The use of less lethal projectile impact weapons

Projectile impact weapons are intended to impede/subdue a subject when other methods are impractical or would present a serious threat to the life of the subject, officers, or other citizens. Thus, the department has adopted the use of projectile impact weapons to de-escalate these potentially violent confrontations. The use of these weapons may be called for in situations including, but not limited to: combative/violent subjects, armed and non-compliant subjects.

4-1013. Definitions

- 1) Less-lethal force philosophy -- the concept of planning and force application, which meets an operational objective, with less potential for causing death or serious physical injury than conventional police tactics.
- 2) Projectile impact weapons -- projectiles, either flexible or non-flexible, which are intended to impede/subdue a suspect with a reduced potential for causing death or serious physical injury.

4-1014. Training

In order to minimize the potential for causing death or serious physical injury, the use of projectile impact weapons shall be in accordance with accepted training procedures, as established by the Eau Claire Police Department. Officers trained in the handling of projectile impact weapons shall receive instruction on:

- Criteria for use/placement on use of force continuum.
- Target evaluation.
- Weapon effectiveness
- Deployment of weapon.

4-1015. Force Continuum

The Eau Claire Police Department recognizes five distinct levels of force (I-V), in accordance with Wisconsin's Defense and Arrest Tactics system.

The use of projectile impact weapons is considered to be at Level IV (Policy 4-1012.), with counter measures such as punches, kicks, and baton strikes, when deployed to areas of the suspect's body that are considered unlikely to cause death or serious physical injury.

4-1000.

The use of projectile impact weapons is considered to be at Level V (Policy 4-1012) (deadly force) if intentionally deployed to areas of the suspect's body recognized as likely to cause death. Such intentional deployments are authorized when deadly force is justified.

Weapons used for projectile impact rounds will be cleared of all other ammunition prior to use.

Recognizing that volatile situations may move up or down the force continuum, when possible and practical, a cover officer will be assigned to provide cover to an officer using the projectile impact weapon. This is to ensure that, if necessary, additional force may be applied if the projectile impact weapon is ineffective and the suspect takes aggressive action that places the life of officers or other citizens in immediate jeopardy.

When possible, all officers near the crisis scene should be notified that a projectile impact weapon has been loaded and may be used. This is to keep officers at the scene apprised of the situation and to prevent the sympathetic firing of weapons.

4-1016. Handling of Injured Suspects

Any suspect struck by a projectile impact device shall be restrained and transported to a medical facility for examination and treatment.

4-1017. Review

The Chief of Police or his/her designee shall appoint appropriate personnel to review each use of projectile impact weapons. This will be done to ensure that the use of projectile impact weapons was in accordance with departmental policy and accepted training practices established by the Eau Claire Police Department. Further, a review will bring to light training issues and improve future deployments.

4-1100.

4-1100. JUVENILE RETAIL THEFT DISPOSITION

In a continuing effort to further maximize our delivery of services to the community and reduce officer "down" time, an alternative procedure for disposition of juveniles involved in retail theft is being implemented.

- 4-1100.1** Effective immediately, officers shall respond to retail theft complaints as in the past, however, after compiling the necessary data and upon completion of the necessary forms, the officer is reasonably certain as to the identity of the juvenile, it will not be necessary to bring the youth to headquarters.
- 4-1100.2** Attempts should be made to notify parents/guardian via phone and such notification or attempts shall be included in the officer's report. The officer may release the juvenile (as in a traffic arrest) upon completion of this contact and/or attempted contact.
- 4-1100.3** In those instances where an officer may have reservations concerning release of the juvenile, the officer may convey the youth to headquarters and request assistance from the officer in charge regarding disposition.
- 4-1100.4** If there is a question of whether or not the merchandise came from the store, then the merchandise should be seized as evidence.
- 4-1100.5** If there is no issue as to whether or not the merchandise came from the store and the defendant admits that the merchandise came from the store and comes forth with a defense; for example, that he/she forgot to pay for it, then that merchandise can be returned to the store immediately and not held for evidence.
- 4-1100.6** The Detective Division is responsible for the following and review of such investigations.
- 4-1100.7** Where officers have not been able to notify parents/ guardians, a letter of notification shall be sent by the Records personnel. The letter shall be on letterhead stationery and in accordance with approved correspondence procedures.
- 4-1100.8** Officers, as provided by City Ordinance 9.62.020 may issue a citation to juveniles 12 through 16 years of age for retail theft, IF UNDER \$ 394.00.

4-1100.

4-1100.9 City Ordinance 9.62.020 provides that:

- A. Any juvenile between the ages of 12 and 16 who intentionally alters indicia of price or value of merchandise or who takes and carries away, transfers, conceals or retains possession of merchandise held for resale by a merchant without his/her consent and with intent to deprive the merchant permanently of possession, or the full purchase price, of such merchandise may be penalized as provided in Section 9.62.060.
- B. The intentional concealment of unpurchased merchandise which continues from one floor to another or beyond the last station for receiving payments in a merchant's store is evidence of intent to deprive the merchant permanently of possession of such merchandise without paying the purchase price thereof. The discovery of unpurchased merchandise is evidence of intentional concealment on the part of the person so concealing such goods.
- C. A merchant or merchant's adult employee who has probable cause for believing that a person has violated this section in his/her presence may detain such person in a reasonable manner for a reasonable length of time to deliver him/her to a peace officer, or to his/her parent or guardian. The detained person must be promptly informed of the purpose for the detention and be permitted to make phone calls, but he/she shall not be interrogated or searched against his/her will before the arrival of a peace officer who may conduct a lawful interrogation of the accused person. Compliance with this subsection entitles the merchant or his/her employee effecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty.

9.62.060 Penalty. Violators of Section 9.62.020 shall, upon conviction, forfeit an amount of FIFTY DOLLARS, in accordance with Ordinance 9.62.060.

4-1101.

4-1101. JUVENILES

4-1101. General Purpose

The intent of the following policy and procedural guidelines is to provide the individual police officer with departmental assistance in making the discretionary decisions called for in the day to day performance of his or her duties pertaining to juveniles. The guidelines set forth convey to the officers of the department and the general public the goals and objective to be achieved in providing for the well being and safety of young persons, and the community at large.

4-1101.01 General Policy Statement

Police contacts with juveniles will emphasize respect for juveniles, as individuals, with due regard for their constitutional rights.

4-1101.02 General Procedures

In dealing with juveniles, more than anywhere else in police work, the patrol and youth aid officers are given wide latitude to make judgments within the concept of what is in the "best interest" of the child. Within these constraints, however, the following general principles and precepts are set forth to establish the philosophical parameters for decision-making and to satisfy the need for consistency and uniformity. More specific operational guidelines will follow in later sections of this chapter.

- a. Departmental personnel recognize that the primary responsibility for child rearing is vested in the family structure and when a serious lapse in meeting this obligation occurs, authoritative police intervention may occur.
- b. The police officer is often the first person to respond to situations involving children in trouble with the law or in need of protective assistance. Responding to situations involving children requires sincere human concern, sensitivity, interpersonal communication skills and knowledge of the laws relating to children.
- c. When gathering evidence of an offense, there will be no difference in procedural operations within the agency, whether a juvenile is the focus of suspicion or an adult.

4-1101.

- d. When children are taken into custody their parents or legal custodians should be notified immediately per Section 48.19 Wisconsin Statutes. If the child is not immediately released, the Juvenile Intake Worker should be notified. Notifying the parents or legal custodians then becomes the responsibility of the Intake Worker.
- e. All investigative and enforcement procedures, including interviewing, gathering evidence and the deprivation of liberty, shall be carried out with scrupulous care to avoid practices which might demean, be coercive or violate the due process rights of juveniles.
- f. Since the accomplishment of social goals for juveniles cannot be achieved solely by police intervention, every effort should be made to work cooperatively with other community agencies, schools, the juvenile court and interested citizens in a community-centered approach to solving person adjustment problems.
- g. The principle of using the least restrictive alternative will be adhered to in all police dispositions, whether in the field or at the station.

4-1102. Investigations Involving Juveniles

4-1102.01 Policy Statement

Departmental personnel will ensure that juveniles receive, at a minimum, the same procedural due process safeguards available to adults. This should apply to:

- a. Preliminary investigations.
- b. The apprehension process (i.e. - taking into custody).
- c. Search and seizure.
- d. Questioning.
- e. Pre-trial identification.
- f. Pre-hearing detention and release.

4-1101.

4-1103. Child Abuse and/or Neglect Complaints and Investigations

4-1103.01 Policy Statement

The Eau Claire Police Department and its personnel have a responsibility for the protection and welfare of children in the community through identification of situations involving danger to the emotional and physical well being of children.

4-1103.02 Procedural Guidelines

a. Receiving complaints:

Complaints may be received from numerous sources including relatives, nurses, physicians, teachers, neighbors, the child involved, or may be initiated by the police officer. Complaints should be recorded with all information available from the complainant.

b. Validating complaints:

- 1) Complaints of child abuse should be investigated as soon as possible, not only to protect the child, but for purposes of obtaining evidence.
- 2) If physical abuse is apparent, the investigating officer will obtain colored photographs of the child's injuries. These photographs are evidence and must be maintained as such. Victims should be treated with sensitivity and professionalism. If the injuries involve the breasts, buttocks, or pubic area and if practical, a photographer of the same gender as the victim shall be obtained. The investigator shall arrange to have another person (preferably of the same gender as the victim) present while the photographs are taken.
- 3) If neglect is apparent, the investigating officer will obtain colored photographs of the living conditions.
- 4) The same procedure should be used in taking statements from witnesses, suspects, and victims as in any criminal investigation.

c. Notifying concerned agencies:

The procedure to be followed in these cases is to route copies of

4-1101.

reports to the Detective Division. The Detective Division will forward copies to appropriate agencies.

d. Content of the officer's report:

1) Appearance of the victim.

(a) Bruises, welts, burns, fractures and suspected malnutrition.

(b) General appearance of clothing and body.

2) Living environment conditions (be specific as to cleanliness, disarray, temperature extremes, etc.).

Condition of the rooms, beds, floor and closets. If deemed necessary by the investigating officer, take photographs of the condition of the home to have a permanent record as to its appearance at initial contact with the situation.

3) Parents

a. Attitude, attitude toward the victim, etc.

b. Run a records check on the parents.

c. Attempt to determine if other agencies are or have been involved with the family.

4) Interview witnesses, neighbors, relatives, etc.

5) Describe physical evidence and where stored.

6) Medical information available.

All statements of fact should be set forth as specifically as possible, including a complete description of the circumstances which led to the lodging of a complaint (i.e., a neighbor or relative's knowledge of prior, unexplainable injuries suffered by the child, or the use of overly harsh corporal punishment techniques by the parents.)

e. Emergency Treatment

If the child requires emergency medical treatment, he or she should be transported to a hospital or physician's office. The Juvenile Intake Worker will be notified, regardless of the hour, in order to provide protective services for the child, and if necessary, to arrange for a court order to

4-1101.

permit treatment.

4-1104. *Prohibition Against the Use of Juveniles as Paid Undercover Personnel*

4-1104.01 Policy Statement

Without written consent by the Chief of Police, members of the department will not use people with or without remuneration (or tangible reward) under the age of 18 to serve undercover for the purpose of collecting evidence of criminal or delinquent conduct or to serve in other ways as informants.

This policy does not restrict or prohibit departmental personnel from accepting and utilizing intelligence-type information voluntarily offered by juveniles or obtained from them during the course of investigations. Departmental personnel may actively solicit information and assistance from juveniles in the solving of crimes. Juveniles will not, however, be placed in situations by departmental personnel that jeopardize their physical or mental health or personal safety.

4-1105. Searches and Seizures

4-1105.01 Policy Statement

The Eau Claire Police Department will afford to juveniles the same rights afforded adults.

4-1105.2 Procedural Guidelines

a. Search of premises with parental permission:

Parents may validly consent to the search of a child's room, closet, bureau or other areas of the family home used by the juvenile.

b. Waiver of 4th Amendment protection by a juvenile. Since consent by a juvenile to waive his/her right to 4th Amendment protection poses the same problem of the child's maturity, intelligence and knowledge arising in other forms of waiver, the police officer must carefully evaluate each situation.

4-1106. Searches in School Buildings or on school property.

4-1101.

4.1106.01 Policy Statement

In a joint venture with the School Administration, the Board of Education, and the Eau Claire Police Department, guidelines have been established for searches in school buildings or school property.

4-1106.02 Procedural Guidelines

a. By police, on request of school authorities:

The police department will assist, on request, a school administrator or his/her designee to obtain and execute a search warrant in situations where the principal or his/her designee has information that he/she believes to be true evidence of a crime, stolen goods, drugs, weapons or other contraband is located in a certain student's locker, desk or student's or non-student's automobile.

b. By police, without request of school authorities:

- 1) Police officers may not search student's lockers, desks, or automobiles unless they have a search warrant or the search is incidental to the arrest. A police officer may search a student's person in school only if the student has been taken into custody or if stop and frisk circumstances exist. However, when a student gives permission for searches, the guidelines in 7-1105.2 will apply.
- 2) A school official may not give permission for a warrantless search of a student's locker, desk, or automobile. The student, if available for the execution of a warrant, shall be present during the search.

c. By school administrators:

The school administration maintains control over lockers and desks loaned to students, therefore, the school principal or his/her designee may search a locker or desk if she/he has reason to suspect that missing school materials may be present or items that would endanger the health or safety of the school population. In all other cases, the police shall obtain a search warrant if they deem it to be necessary.

4-1101.

4-1107. *Interrogations, Interviews and Questioning*

4-1107.01 Policy Statement

All interrogations, interviews and questioning of juveniles will be conducted with full regard for principles of fundamental fairness and be so structured as to ensure the maximum protection of the juvenile's constitutional rights. Officers should exercise good judgment in accepting a waiver from a juvenile. The child's physical condition, age, intelligence, educational level, prior experience with the juvenile justice system and his/her ability to comprehend the meaning and effect of his/her statements should be carefully evaluated in each case. Advising a very young child (e.g. - under 10 years) of his/her constitutional rights is probably a meaningless exercise.

4-1107.02 Procedural Guidelines

- a. All juveniles who are taken into custody and brought to headquarters will be advised of:
 - 1) Their right to contact a parent or other responsible advocate.
 - 2) Their other rights under the "Miranda" decision when the "Miranda" decision is applicable.
- b. In all instances in which there is a difference of opinion between a juvenile and his/her parents regarding whether or not a juvenile will agree to speak with the police regarding a suspected criminal offense, if the juvenile has the rational capacity to pursue his/her best interest, the juvenile's wishes will prevail (from WCCJ, Juvenile Justice Standards and Goals, Standard 3.2 (d))
- c. Juveniles taken into protective custody do not have to be advised pursuant to Miranda, but must receive a full explanation of why such action is being taken.

4-1101.

4-1108. Interrogation of Suspects in Schools

4-1108.01 Policy Statement

All interviews or interrogations on school grounds and in school buildings will be conducted as discreetly as possible, preferably with the knowledge and assistance of the school administration. Before interrogations, the police officer shall, if applicable, advise the student of the nature of the crime of which he/she is suspected, that he/she has a right to remain silent, that anything he/she says may be used against him/her in juvenile or criminal court, that he/she has a the right to have

an attorney present or a court appointed attorney if his/her parents cannot afford it and that the child or parent may stop the interrogation at any time.

The school officials or parents cannot waive these rights on behalf of the student and it is the school official's responsibility, as well, to ensure that the student fully understands all of his/her rights.

4-1108.02 Procedural Guidelines

- a. Upon request, officers will take complaints at local schools. Upon arrival at the school, the officer shall make contact with the school principal or his/her designee regarding their presence and reasons there unless an emergency or exigent situation dictates otherwise.
- b. School officials should provide the officer with a private interview site, and summon the involved student(s) to that location.
- c. Officers shall attempt to cooperate at all times with the school principal and other administrative officials. However, any interference or unnecessary delay by those individuals which would impede the progress of a potential criminal investigation should be handled in the same manner as any other party obstructing an officer while attempting to perform his/her duty.

4-1109. Polygraph Examinations

4-1109.01 Policy Statement

The polygraph examination of a juvenile subject will be used as an investigative aid in the same fashion and for the same purposes as for an adult witness or suspect. The parents, guardian, or legal custodian of the juvenile subject will be not allowed to waive his/her 5th Amendment privilege against self-incrimination. Juveniles who are the subject of an

4-1101.

investigation into offenses that could result in a delinquency finding or a

waive to criminal court, will be advised of their right to refuse the examination and to have the advise of council.

4-1109.02 Procedural Guidelines

- a. The parents, guardian or legal custodian will be asked to sign a statement signifying that they have been apprised of the purpose of the examination, the general procedure for administering the test, the fact that they may NOT be present during the examination, that legal counsel for their child may be present in an observation room and whether or not they consent to the examination. (attached)
- b. The form must be signed before proceeding.

4-1110. Identification Procedures

4-1110.01 Policy Statement

The department is committed to ensuring that all police-arranged identification procedures, including non-testimonial identification procedures (such as obtaining fingerprints, handwriting examples, voice samples, photograph and blood samples) are conducted with the same regards as those afforded adults.

4-1111. Felony Offenses

4-1111.01 Policy Statements

All juveniles who are observed committing or are reasonably believed to have committed an act which, if committed by an adult would be a felony, are to be taken into immediate custody. The Juvenile Intake Worker is to be notified immediately. The officer must complete a Request for Temporary Physical Custody form and deliver it to the Intake Worker.

4-1112. Minor Law Violations and Status Offenses

4-1112.01 Policy Statement

Juvenile behavior, involving nuisance or mischievous acts, minor criminal conduct or status offenses, should result in taking a child into immediate custody only if it is necessary to remove a child from a situation that could cause harm to the child, by his/her own acts or the acts of others; or the child's behavior poses a threat to the safety and welfare of other persons or

4-1101.

their property and a lesser alternative is not available.

4-1112.02 Procedural Guidelines

- a. In incidents where the juvenile(s) continue to resist and are uncooperative and it appears that they will not submit to the discipline of their parents or other responsible adult, the police officer should take the juvenile(s) into custody and immediately notify the Juvenile Intake Worker for disposition.

4-1113. Taking Into Custody on School Property During School Hours

4-1113.01 Policy Statement

No police officer shall take custody of any student in school during school hours unless upon lawful request by the school principal or his/her designee or unless the officer has probable cause to take into custody for a felony or misdemeanor or has an arrest warrant or juvenile apprehension order, which the issuing authority or juvenile court directs be served at school.

4-1113.02 Procedural Guidelines

- a. In cases where the student is to be taken into custody, the police officer shall first contact the school principal or his/her designee and advise him/her of such fact. The student shall first be summoned to the office by the school principal or his/her designee. If possible, a non-uniformed police officer shall make the apprehension.
- b. In emergency situations where the commission of a serious felony or misdemeanor has been witnessed by a police officer or if the police officer is in pursuit of a student for such crime, the police shall have the legal right to apprehend such student. However, before removing such juvenile from the school, the police officer shall inform the principal or his/her designee of such apprehension.

4-1114. Probation and Parole Violators

4-1114.01 Policy Statement

The department will accept information concerning the rules and conditions under which juvenile probationers and parolees live in the community and whenever possible, assist county probation caseworkers and state probation with the enforcement of the stipulation and conditions of these agreements.

4-1101.

4-1115. Transporting Juveniles

4-1115.01 Policy Statement

The same security precautions may be utilized when transporting juveniles taken into custody as when conveying arrested adults.

4-1116. Confidentiality

4-1116.01 Policy Statement

Department records on juveniles shall be kept separate from records of persons 18 or older and shall not be open to inspection except by order of the court. Except for the following, all others will be directed to the Juvenile Court to seek a court order.

- a. News media representatives.
- b. The officials of the school attended by the child in question, pursuant to the provisions of 48.39(1) Wisconsin Statutes. The confidentiality privilege shall not be infringed upon.
- c. Social welfare agencies.

4-1101.

PARENTAL PERMISSION FOR JUVENILE POLYGRAPH EXAMINATION

I, legal parent of _____, do hereby declare that I voluntarily agree to allow said child to take a polygraph examination to be given by (polygraphist), an employee of the City of Eau Claire.

I do hereby voluntarily agree that said polygraph should be administered and the results and opinions transmitted to Law Enforcement Agencies, State/County Social Service Agencies, (list agencies here), for whatever uses they may determine.

In consideration of and as an inducement for the City of Eau Claire, plus (polygraphist), to give my child the polygraph examination, I and my spouse do hereby totally release (polygraphist), City of Eau Claire, its officers, employees and agents; and _____ its officers, employees and agents from any an all suits, actions, or causes of actions at law, claims, demands, or liabilities whatsoever anyone might have as a result of said child taking the examination and the transmitting and utilization of the results and opinions thereof.

Also, I agree to abide by all the conditions stated on the attached form, which form my child has permission to sign.

(Date)

(Signature of Legal Parent)

Witnessed by:

4-1120.

4-1120. JUVENILE RUNAWAYS

4-1120.1 Policy Statement

The department in its continuing endeavor to identify and resolve issues involving youthful offenders (juveniles), adopts the following guidelines in the reporting, processing and disposition of juveniles. These guidelines have been approved for implementation by the Eau Claire County Juvenile Court.

4-1120.2 Hospitals

- A. Juveniles who are self-admitted patients and reside in the City of Eau Claire, the hospital should notify the parents of the runaway/juvenile from that facility. It is the responsibility of the parents or guardian to report to the police department that their child is a runaway.
- B. Juveniles who are self-admitted and do not reside in the City of Eau Claire, the hospital should notify the parents/guardian of the juvenile runaway. It becomes the responsibility of parents/guardian to notify the appropriate law enforcement agency (in which they reside) that their child is a runaway.
- C. Juveniles committed pursuant to a court order from Eau Claire County, the hospital should notify the Eau Claire Police Department by filing a "Runaway Juvenile Form". The Eau Claire Police Department will enter the juvenile's name and description in the computer. The Juvenile Court Intake Staff will coordinate transportation with the Eau Claire County Sheriff's Department if the juvenile is located outside the city jurisdiction.
- D. Juveniles committed pursuant to a court order from another jurisdiction, the hospital should notify that jurisdiction of the juvenile runaway. It becomes the originating agency's responsibility for reporting the runaway juvenile to their local law enforcement agency.

4-1120.

4-1120.3 Juvenile Care Facilities or Eau Claire Academy

- A. Juveniles being held on a court order, probation order from Eau Claire County, or Juvenile Court Intake Worker's detention authorization, the Juvenile Care facility or Eau Claire Academy will notify the Eau Claire Police Department by filing a "Runaway Juvenile Form". The police department will enter the juvenile's status into the computer.
- B. In cases where the Juvenile Care facility or Eau Claire Academy cannot provide transportation, it will be the responsibility of the Eau Claire County Sheriff's Department to provide return transportation if the juvenile is located outside city jurisdiction. The facility has the responsibility to notify originating agency, parent or guardian.
- C. Juveniles being held pursuant to a court order or probation order from an outside authority or jurisdiction, the Juvenile Care facility or Eau Claire Academy will provide transportation back to their facility. The "Runaway Juvenile Form" will be utilized.
- D. Upon returning a juvenile runaway and the Juvenile Care facility or Eau Claire Academy is notified that the juvenile is discharged from their custody, it is their responsibility to cancel the juvenile as a runaway on file with the Eau Claire Police Department. The Juvenile Care facility or Eau Claire Academy will notify the appropriate custodial jurisdiction and it becomes that jurisdiction's responsibility for reporting the runaway juveniles to their local law enforcement agency.

4-1120.4 Juvenile Runaway Report Form

If an officer is requested by a parent, guardian or legal custodian to take a juvenile into custody because the juvenile is a runaway, the officer shall secure, at the time of request, a signed "Juvenile Runaway Form". The juvenile's name and description will not be entered in CIB or NCIC without the signature of the parent, guardian or legal custodian on a "Juvenile Runaway Form". Their signature indicates recognition of responsibility to provide return transportation for the runaway juvenile.

4-1120.

4-1120.5 Juvenile Referral Form

When contact is made with a runaway juvenile, a Juvenile Referral is to be completed and forwarded to the Detective Division. Copies of all juvenile runaway forms and follow-up reports shall be forwarded to the Detective Division.

4-1120.6 Transportation, Temporary Detention

- A. When juveniles are taken into custody, officers should contact the juvenile's parents, guardian or legal custodian and request their presence at the Law Enforcement Center to accept custody of the juvenile.
- B. If the parent, guardian or legal custodian will be delayed, is unwilling or unable to accept custody of the juvenile, contact Juvenile Court Intake for temporary placement arrangements, pending release of the juvenile.
- C. In those instances when a juvenile is awaiting his/her parents, guardian or legal custodian at the Juvenile Detention Center, the officer shall indicate the reason for his/her actions in the investigative police report.

4-1130.

4-1130.1 RELINQUISHING CUSTODY OF NEWBORNS

State Statute 48.195 was established to protect the well being of newborn children and to create a “safe harbor,” a means to safely and anonymously surrender custody of a newborn child to a law enforcement officer, emergency medical technician or hospital staff member.

4-1130.2 DEFINITION

For the purpose of the statute and this policy, a newborn is a child reasonably believed to be less than 72 hours old.

4-1130.3 PROCEDURAL GUIDELINES

Und this statute, a parent of a newborn child or person assisting the parent of a newborn can relinquish custody of his or her child with anonymity and confidentiality.

In the event that a newborn child is surrendered under the protection of this law, the officer taking the child into custody shall take any action necessary to protect the health and safety of the child and shall arrange for him or her to be transported to the nearest hospital for care.

No person may induce or coerce a parent or a person assisting a parent who wishes to remain anonymous into revealing his or her identity. In addition, they may leave the presence of the law enforcement officer, emergency medical technician, or hospital staff member at any time and will be free from being followed or pursued after delivery of the child.

4-1130.4 The statute also prohibits any officer, employee, or agent of the state or any political subdivision of this state from attempting to locate or identify a parent who relinquishes custody of a child under this statute, or a person assisting the parent.

4-1130.5 In the event that there is reasonable cause to suspect that the child is the victim of abuse or neglect or that the person assisting the parent of a newborn is coercing the parent into relinquishing custody of the child, this statute does not apply and the officer shall begin an investigation of the situation.

4-1130.

The department member who receives a child under the protection Of this law shall:

Advise the parent or person assisting the parent that the decision to provide information is entirely voluntary and cannot be induced or coerced. If the parent or person assisting the parent is willing to provide information, the officer shall ask simple questions to obtain voluntary information for the person who surrenders the child including:

- The child's date and time of birth
- Any known medical history on the child and birth parents
- Contacts if they are willing to provide them
- Names if they are willing to provide them

Attend to the immediate care/needs of the child, and summon an Eau Claire Fire Department ambulance to transport the child to a hospital.

Offer the mother (if applicable) medical care/transport to the hospital if she is willing.

The department member shall make available to the parent or person assisting the parent the Maternal and Child Health toll-free number 800-722-2295. The officer shall also advise the parent or person assisting the parent that the decision to accept this information is entirely voluntary and cannot be induced or coerced.

4-1130.7

A detailed report outlining the surrendering of the child will be completed, including the notification and follow-up conducted with hospital staff.

Document the incident report that the newborn was received under Wisconsin State Statute 48.195 and if a name is not given, document the newborn as Jane or John Doe.

If there is any suspected abuse, neglect, or the newborn is obviously older than 72 hours, begin an investigation of that situation.

The hospital personnel will conduct an assessment of the child for medical concerns and notify Division of Human Services from the county within 24 hours for placement.

4-1130.

- 4-1130.8** Wisconsin State Statute 48.195(1) also requires that within five days of taking a child into custody under this statute, the law enforcement officer, emergency medical technician, or hospital staff member who takes a child into custody shall file a birth certificate for the child under 69.14(3).

4-1300. THE MANAGEMENT OF CONFLICT

The majority of a police officer's time in our community is spent in activities which are not crime related. Much of this time is spent in responding to and dealing with family trouble situations, suicide/homicide threats and attempts, acutely and chronically mentally ill persons and other mental health and social welfare related problems. The fundamental basis of these situations is a form of conflict, which if unresolved, can frequently escalate into a volatile, and often dangerous-crisis situation. A police officer's development of skills to effectively respond to those situations will certainly make the officer's job safer and easier and will also result in a more effective delivery of services to the community we serve. The following is offered to aid in the development of these skills.

Persons in crisis are usually anxious, stressed and often in pain. Their behavior is frequently disorganized and they may be emotionally unstable. Persons in conflict possess similar feelings or characteristics. The approach in dealing with people in conflict and crisis should be, with few exceptions, uniform.

The following guidelines are recommended for dealing with conflict/ crisis situations.

1. Calm and reassure the person.
2. Remove the person from the conflict situation whenever possible.
3. Attempt to define the problem with the person; what is the crisis? What does the person perceive as the problem? What do you perceive?
4. Explore and evaluate the alternatives to reduce or eliminate the problem.
5. Have the person choose an alternative.
6. Get the person to act on the alternative.

During this process, the officer's attitude is very important; it is important to communicate confidence, to be of assistance, to show an interest in the person, and to display concern for what has happened, to listen willingly and to encourage the person(s) involved to speak freely, and vent their feelings. One should interrupt as little as possible, getting necessary information, and asking questions after the individual has had an opportunity to "tell his/her story."

4-1300.

When a person is under extreme emotional stress and has a distorted sense of reality, it is important to remember that distortions may be very real to the person involved.

Officers should not become argumentative, but should rather attempt to explain to him/her their perception of reality and how it may differ. For example, you may say, "I don't hear any voices except yours and mine, but you may certainly be hearing other people speaking." Do not escalate the person's stress by being demeaning or disrespectful.

It is also important to realize that an officer is often the first professional to have contact with a person in conflict or crisis. The need for the officer to be aware of the value of a referral to a helping agency is sometimes critical. Referral is often appropriate and will frequently aid in preventing conflict from escalating or crisis from recurring. One should not simply make a referral without informing the person you are doing so, but should ask the person if they would be willing to talk further with someone.

When the situation appears to warrant it, i.e. the individual's anxiety and stress are not readily dissipating, an immediate referral to an appropriate agency providing 24-hour-a-day service is recommended. A referral the following day can also be effective and, in this regard, an officer should attempt to get the person to personally contact the referral agency, as such will be evidence of greater likelihood to accept help. If the person appears unmotivated and unable to follow through, however, a helping agency can make the initial offer of assistance.

4-1301.

4-1301. DOMESTIC ABUSE/BATTERY

4-1301.1 PHILOSOPHY

A primary purpose of any police department and one of its most critical roles is the physical protection of individuals as well as the protection of society as a whole. This role must have primary consideration in domestic abuse situations.

There are numerous factors in domestic or spousal abuse situations which make it difficult for a victim to take steps to correct or dissolve the "destructive" relationship. The department recognizes the difficulties involved and will initiate efforts not only to be supportive of the "battered" victims in these situations, but to encourage them to cooperate with the department in prosecuting the offender.

4-1301.2 PURPOSE

The official response of this department is to recognize that domestic abuse involves serious criminal offenses. The intent of this policy is twofold: to maximize protection for victims of domestic abuse; and to hold the primary physical aggressor accountable for his/her abusive behavior. This policy recognizes that violent behavior will neither be excused nor tolerated regardless of the relationship of the persons involved. Domestic abuse is not a private matter but a crime against the State of Wisconsin whose prosecution does not depend upon the willingness of a victim to prosecute. Therefore, an officer shall make an arrest supported by a probable cause and take a person into custody according to the procedures of this policy.

4-1301.3 DEFINITIONS

- A. Domestic abuse means any of the following: intentional infliction of physical pain, physical injury or illness; intentional impairment of physical condition; a violation of 940.225(1), (2) and (3); a physical act which may cause the other person to reasonably fear imminent engagement in the conduct described above.
- B. Domestic abuse can be engaged in by an adult who is his or her spouse, former spouse or against an adult with whom the person resides or formerly resided.
- C. Domestic abuse is also applicable to adults who have created a child together, whether or not those adults have ever resided together.

4-1301.

4-1301.4 PROCEDURE UPON INTERVENTION

Recurring violence is frequent in domestic abuse situations and, as a result, the possibility of serious injury to officers and/or other individuals often increases.

Recognizing this, the department is committed to positive action in these situations.

- A. Approach the scene remembering that you are entering a potentially dangerous scene.
- B. Make legal entry.
- C. Check the scene for potential hazards to both yourself and others.
- D. Attempt to separate the parties to prevent escalation. Protect yourself and others from injury.
- E. If injury has occurred, provide emergency medical services as required.
- F. Attempt to defuse the situation.
- G. Determine if there is probable cause to believe a crime has occurred.
- H. If no crime has occurred, determine if referral is appropriate. If so, see 4-1301.10 (addendum) for referral resources.

4-1301.5 PROCEDURES

- A. Probable Cause to Arrest
 - 1. An officer shall attempt to determine if probable cause exists that a crime is being or has been committed. Probable cause refers to that quantum of evidence which would lead a reasonable police officer to believe that the defendant probably committed a crime. The probable cause standard applied in a domestic abuse incident is no different from the standard applied in other offenses.
 - 2. Factors to be used in determining whether probable cause exists include but are not limited to the following:

4-1301.

- a. Bodily harm or pain to the victim. A decision not to arrest may not be based solely upon the absence of visible indications of injury or impairment.
- b. Statements of a victim, including non-consent to the offense. This interview is to be conducted outside the presence of the suspect. Written statements are to be obtained whenever possible.
- c. Statements of family members, friends, neighbors or other witnesses. These interviews are to be conducted outside the presence of the suspect. Written statements are to be obtained whenever possible.
- d. Statements of the suspect. Written statements are to be obtained whenever possible.
- e. Observations of the scene and the victim.
- f. Previous calls at same location or with same parties.
- g. Previous threats/offenses against the victim by the suspect. Officers should check for the existence of a restraining order against the suspect via the Communications Center.
- h. There is no legal requirement that an officer witness the crime; probable cause can be established by reliable hearsay information.
- i. Marriage is not a bar to prosecution for sexual assault.

B. MANDATORY ARREST

Statutes 939.621 and 968.075 Relating to Arrest, Domestic Abuse and Providing Penalties

- 1. If probable cause exists to believe that a crime is being committed or has been committed within 28 days from the time the complaint is received, a police officer shall arrest and take a person into custody if either or both of the following circumstances are present:

4-1301.

- a. The officer has a reasonable basis for believing that continued domestic abuse against the alleged victim is likely;
 - b. There is evidence of physical injury to the alleged victim.
2. When an officer has reasonable grounds to believe that both parties committed domestic abuse against each other, the officer does not have to arrest both persons, but should arrest the person whom the officer believes to be the primary physical aggressor. In determining who is the primary physical aggressor, an officer should consider the intent of this policy to protect victims of domestic violence, the relative degree of injury inflicted on the persons involved experienced by each party, the relative degree of fear and any history of domestic abuse between these persons.
 - a. An Officer's decision as to whether or not to arrest may not be based on the consent of the victim to any subsequent prosecution or on the relationship of the persons involved in the incident.
 - b. The victim is not required to sign a complaint or request that the case proceed toward prosecution.
 - c. If the suspect is not on the scene, the Officer shall make an attempt to locate him/her. If the defendant cannot be located, the report shall be forwarded to subsequent patrol shifts and Detective Division for follow-up/warrant.
 - d. If an arrest is demanded by one or both parties and there are not sufficient grounds for such an arrest, the Officer is to explain the limits of his/her authority. The demand(s) for arrest must be noted in the Officer's report and the Officer's reason(s) for non-arrest must be listed in the report.
 - e. If the arrestee has contact with the victim within the 72 hour period, that contact is an offense but not a crime. The person should be issued an arrest record and released pending a state court date 968.07(5)(2).
3. Officer immunity. A law enforcement officer is immune from civil and criminal liability arising out of a decision by the officer to arrest or not arrest an alleged offender if the decision is made in a good faith effort to comply with the domestic abuse statute.

4-1301.6 REPORT WRITING

- A. A domestic abuse report should include the following:
1. A complete statement from the victim.
 2. Medical release from the victim.
 3. Photographs of visible injuries.
 4. Statements from witnesses other than the victim's, such as neighbors, children or other citizen witnesses who can provide evidence at trial of the case.
 5. Excited utterances, admissions against interest, and other informal statements of the defendant as well as formal statements.
 6. Because of the high correlation between domestic violence and child abuse, the Officer should always be alert to evidence of child abuse. Note names and ages of children, whether they were present when the incident occurred and the time of contact. Also note whether the children were placed in protective custody and to whom a referral was made.
 7. History of abuse as obtained from Sheriff/ Police Department, victim, witness and other sources.
- B. If an arrest is not made, the Officer shall prepare a written report stating why the person was not arrested and forward the report to the Detective Division upon completion of the investigation.
- The decision not to arrest will be reviewed by the Shift Commander with final review by the Captain of the Detective Division or his/her designee prior to the final report being forwarded to the District Attorney.
- C. A separate coding system will be maintained for domestic abuse cases in the Records Bureau, which will facilitate Departmental review and build a data base for state reporting.

NOTICE OF RIGHTS

A. Contact Prohibition

1. An officer shall notify the alleged victim that during the 72 hours immediately following an arrest for a domestic abuse incident, the arrested person shall avoid the residence or any premises temporarily occupied by the alleged victim and avoid contacting or causing any person, other than an attorney for the arrested person or alleged victim, to contact the alleged victim.
2. At any time during the 72 hour period, the alleged victim may sign a written waiver, thus negating the 72 hour no-contact prohibition. The victim must be notified of the procedure. Notification of the waiver should be done outside the presence of the arrested person. Waiver forms will be made available by this department.
3. The arrested person shall be informed orally and in writing of a waiver of the 72 hour no contact prohibition and provision of 939.621.
4. The arrested person must be informed orally and in writing of the 72 hour no-contact prohibition. The arrested party must give a signed acknowledgment of the no-contact prohibition, stating that he/she understands the requirements, the consequences of violating the requirements and that an enhanced penalty exists for a second domestic abuse offense committed during the 72 hours immediately following the arrest for the first domestic abuse incident. This penalty enhancer increases the misdemeanor to a felony.
5. If the arrested person refuses to sign the notice, he/she MAY NOT BE RELEASED FROM CUSTODY until the 72 hour no-contact period has expired.
6. If the arrested person is released and subsequently violates the no-contact prohibition, the person may be arrested again. Since the violation of the no-contact prohibition is simply forfeiture and not a crime, under normal circumstances, the arrested person will be released without bond after booking procedures are completed at the jail. If in addition to the no-contact prohibition violation the officer has probable cause to believe the person has committed another crime (battery, disorderly conduct, annoying telephone calls, etc.), or the person should be detained under an emergency detention, routine detention procedures should be followed.

4-1301.

B. Availability of Services

1. Whether or not an arrest is made, an officer shall advise the victim of the availability of shelter, crime-victim compensation, or other services in the community.

4-1301.8

CRIMINAL RESTRAINING ORDERS

A victim may have sought a temporary restraining order (TRO) or injunction to keep an offender from coming on the premises where he/she resides and from contacting him/her. The TRO is in effect for five days or until a hearing is held by the court, whichever is sooner. At the hearing, an injunction can be issued by the judge or family court commissioner. Knowing violation of a TRO or injunction is a misdemeanor under 813.12 (Domestic Abuse) or 813.125 (Harassment), Wisconsin Statutes. Having a restraining order in place does not prohibit officers from domestic abuse enforcement."

Procedures Related to TRO and Injunctions

- a. If there is reason to believe a TRO or injunction exists ordering a subject to avoid the premises, the officer shall immediately determine the status of the order, and its contents.
- b. The officer shall determine whether the subject has knowledge of the order.
- c. The officer shall arrest for a violation of the order, when there is an order in existence, and there is probable cause to believe it was knowingly violated.
- d. If there is an order in existence and the records indicate that the subject does not have knowledge of it, the officer shall inform the subject of the existence of the order and its contents and direct the subject to obey the order. If the subject does not then leave the premises, the officer shall arrest the subject for violation of the order.
- e. When the subject is informed by an officer of the existence of the order and its contents, the officer shall communicate this to the Sheriff's Department for entry in the file indicating time and manner in which the subject was so informed.

4-1301.

- f. When probable cause exists that another crime has been committed, the officer may make an arrest, independent of the domestic abuse law. If the officer believes that a TRO or injunction has been violated, he/she shall prepare a report for the District Attorney for prosecution.

4-1301.9

OTHER CIRCUMSTANCES OF ARREST

Nothing in this policy shall prohibit the use of the following policies:

1. Intoxicated/Incapacitated Persons.
2. Mental Abnormality and Emergency Detention.

A person who commits a violation of the domestic abuse law and is subsequently taken into custody pursuant to Chapter 51 of the Wisconsin Statutes shall also be placed under arrest for the domestic abuse law violation.

4-1302.

4-1302. LANDLORD-TENANT

4-1302.1 General Policy Statement

Officers are frequently called to the scene of civil disputes where no crime has been committed. The department recognizes that the presence of officers at such scenes is primarily to preserve the peace and to prevent a crime from occurring, and not to give legal advice. However, a referral to another agency or to a source of legal advice is not construed as giving legal advice but is rather viewed as an alternative police response which is intended to lessen the probability of future disputes escalating into violence or repeated calls for police service.

The immediate concern of police intervention in a landlord-tenant dispute is the protection of person and property. An ultimate concern is the peaceful resolution of the problems which underlie the dispute. If, after first acting to forestall any violence, an officer is able to ascertain the basic issue involved in the dispute, he/she should attempt to refer the disputants to an appropriate resource which may provide a lasting solution. This might be accomplished by either making references to individual agencies listed on the attached referral list or to actual presentation of the referral list to the disputants.

4-1302.2 Procedure

- A. The officer should initially take such steps as appear reasonably necessary to protect persons or property, including separating and/or restraining the parties to the dispute.
- B. In cases where there does not appear to be an immediate threat to any person or property, the officer should contact both parties to the dispute and discuss the problem with them. He/she should explain to both parties that it is not his/her function to take sides in what is essentially a civil matter, unless a crime has been committed, but that he/she will try to assist them in resolving the problem. The officer should be careful to maintain his/her impartiality and should discuss the matter separately with each party to avoid heated exchanges between the parties.
- C. The officer should attempt to determine the underlying cause of the dispute. He/she should stress the desirability of a peaceful and lasting resolution of the parties differences, and should use the referral list to direct the parties to resources which may assist them in reaching such a solution. It may be useful to stress the possible negative consequences of further disputes.

4-1302.

- D. Referral may be used with either or both parties. The officer will provide information on appropriate resources and tell the parties how contact can be made to the appropriate agencies or organizations. It should be made clear to both parties that the officer is not drawing conclusions as to the merits of the dispute or providing legal advice, but that he/she is simply furnishing a means to resolve the situation peacefully
- E. Arrest is seldom required or appropriate in landlord-tenant disputes. Obviously there can be an arrest only where a criminal act has been committed e.g., criminal trespass, criminal damage to property, battery, and disorderly conduct. An officer should arrest only in situations where there has been significant injury to a person, where there is a past pattern of similar criminal conduct, or where it appears reasonably necessary to forestall injury to person or property. In deciding whether to arrest, the officer shall weigh the cost of arrest to the individual and the community against the interest served by the arrest.
- F. In cases where the landlord has taken possession of the premises occupied by a tenant and is barring the tenant from the premises, the officer should first determine from the parties whether the tenant has been evicted by court actions. If the tenant has been so evicted, the officer shall indicate to both parties that the tenant has the right to recover his/her personal property from the premises, but is not entitled to re-enter the premises except for that purpose. If the tenant has not been so evicted, the officer should instruct the landlord that the tenant has the right to remain in possession and that the landlord's act in barring his/her entry may lead to civil and criminal liability. The landlord should be referred to his/her attorney or to small claims court for assistance in bringing eviction proceedings. If the landlord persists in barring entry, the tenant should be referred to legal aid and the District Attorney's office.

4-1302.3 Eviction Action, Statute Authority, Wisconsin Statutes 799.41, 799.45(2)(a) and 799.45(2)(b)

4-1302.4 Officers are reminded that in accordance with State Statutes 799.41, 799.45 (2) (a) and 799.45 (2) (b) only the sheriff can remove tenants or their property from the tenant's premises and then only after an eviction action is commenced and a writ of restitution is issued by a judge.

4-1302.5 If an officer responds to the scent and finds that the landlord has removed the tenant's belongings or is physically prohibiting the tenant from entering the premises without an apparent proper writ of restitution, the officer should advise both the landlord and tenant of the appropriate State Statutes and, again, make referral for possible remedy.

4-1302.

4-1302.6

At no time should an officer force a tenant to remove his/her personal belongings from the premises unless the officer is first ordered to do so by the sheriff. An accurate and complete report must be written by the officer after responding to an incident of this type.

4-1302.

4-1302.7 Landlord, Tenant Referral List

1. CITY-COUNTY HEALTH DEPARTMENT
720 Second Avenue
Eau Claire, WI
Phone: 839-4718
2. UNIVERSITY OF WISCONSIN – EAU CLAIRE HOUSING OFFICE
112 Towers
Eau Claire, WI
Phone: 836-3674
3. WI DEPT. OF AGRICULTURE TRADE AND CONSUMER
PROTECTION
927 Loring Avenue
Altoona, WI
Phone: 839-3848
4. EAU CLAIRE COUNTY CLERK OF COURTS – SMALL CLAIMS
721 Oxford Avenue
Eau Claire, WI
Phone: 839-4816
5. STATE BAR LAWYER REFERRAL SERVICE
402 W. Wilson Street
Madison, WI
Phone: 608-257-4666
6. BUILDING INSPECTION & ZONING
203 S. Farwell Street
Eau Claire, WI
Phone: 839-4947

4-1400.

4-1400

4-1400. TRAFFIC ENFORCEMENT

4-1401. Objectives

The traffic enforcement objective of the department is to reduce traffic accidents and injuries and to facilitate the safe and expeditious flow of vehicular and pedestrian traffic through the public's voluntary compliance with traffic regulations. The department seeks to achieve this objective through a combination of education and enforcement.

4-1402. Philosophy

The department seeks to educate the public regarding traffic regulations through programs aimed at exposing specific problems, by publishing traffic accident and injury statistics, and by giving notice and warnings of changes in regulations prior to taking enforcement action.

The department will take enforcement action upon the detection of an illegal and potentially hazardous act without regard for such factors as attitude, intent, or frivolous excuse. Enforcement action may consist of a warning, citation, and application for complaint or physical arrest.

Traffic violation enforcement is one of the many routine tasks performed by officers, but for violators it frequently is an emotionally traumatic experience. In many cases this is the only contact that a person has with our department. Officers should be aware of these conditions and should strive to make each contact educational and to leave the violator with the impression that the officer has performed a necessary task in a professional and friendly manner.

Since the Uniform Vehicle Code is now being followed by a majority of the states, including Wisconsin, non-residents are rarely subjected to unfamiliar traffic signs or inconsistent regulations. Therefore, unless the traffic regulation violated is one unique to the Eau Claire area, no immunity should be granted because a person is a non-resident.

Street parking is restricted in various areas of the city to ensure fair access to parking and to expedite the flow of vehicular traffic. All existing parking regulations will be enforced with reasonableness and impartiality in all areas of the city.

4-1403. Motor Vehicle Accidents

Citations should be issued at motor vehicle accidents when there is

4-1400.

sufficient evidence to substantiate a violation.

4-1400

Supportive verbal or written statements of drivers and/or witnesses or passengers will be included. Officer reports should be complete and enforcement action should be reasonable.

4-1404. Radar

Radar should be used by the Patrol Division in the following areas:

1. On complaint of another police officer or citizen.
2. In school zones and school areas.
3. In locations where speed has been a cause of accidents to include night as well as day operation.
4. Residential neighborhoods.

4-1405. Public Education

The department stands committed to the concept of education as an important factor in prevention and law adherence. Whenever possible, the department should preface any new or concentrated traffic enforcement with a period of public education or re-education.

4-1406. Disabled/Abandoned Vehicles

4-1406.1 Frequently the department and motorist are confronted with the problem of the disabled and/or abandoned motor vehicle. Occasionally a motorist requests permission to abandon his/her vehicle for later removal. The department takes cognizance of the dilemma, however, the over-riding consideration is the welfare and safety of all vehicular and pedestrian traffic.

4-1406.2 In instances by which motorists communicate a request for permission to temporarily leave unattended, any motor vehicle on any street, parking lot, public ground or alley in violation of traffic or parking restriction, such request shall not be granted, absent an inspection by an officer.

4-1406.3 Upon receipt of such request (per 4-1406.2) an officer shall be assigned to investigate the request and make a determination as to potential liability exposure should the vehicle be allowed to remain. The Communication Center personnel should notify the involved motorist/owner of the vehicle status; i.e., whether it is to be moved, towed, or left for a designated period of time. In each instance a case number shall be stamped and marked "No Report".

4-1400.

4-1400

- 4-1406.4** When it is deemed appropriate to grant the request, the officer shall so inform the Communication Center. The Communication Center shall note on the case card the location, time and description of said vehicle on the Daily Log, so as to appraise all concerned of its status.
- 4-1406.5** Permission granted shall be for a reasonable period of time to be determined by the investigating officer giving consideration to time of day, location, existing hazardous or non-hazardous conditions, weather conditions, lighting and others considered appropriate. The department assumes no liability for the instant or subsequent removal of any disabled or abandoned vehicle.
- 4-1406.6** Often, because there are no other public or private agencies available, the public relies upon the police for assistance and advice in many routine and emergency situations which can and do develop. For this reason, the police regularly respond to incidents where assistance is needed.
- 4-1406.7** Because of the overall danger to the stranded motorists and others traveling the highways, it shall be the policy of this Department to offer reasonable assistance at all times to the motorist who appears to be in need of aid. This will apply at all hours of the day, particularly at those times and conditions when the hazards are commensurately increased.

4-2000.

4-2000. DEMONSTRATIONS AND ASSEMBLIES

4-2001. The Department's Basic Function

The vitality and permanence of our national institutions depend upon the free expression and demonstration of ideas and the protection of that right even if the ideas are bitterly unpopular. The basic police function as it pertains to demonstrations or assemblies is to protect the first amendment rights to free speech, to assemble and to petition the government and at the same time protect the rights of the public to free movement, privacy and freedom from violence; to prevent the eruption of violence and to take whatever action may be necessary to protect lives and property and to maintain the public peace.

4-2002. The Position of the Department

The position of the department and of all departmental personnel with regard to demonstrations and assemblies will be one of complete impartiality. Actions of officers taken to diffuse the potential for violence will not be defined as a display of partiality. Officers shall make no public statement while on duty that reflects preference to the issue(s) concerning the demonstration or assembly.

4-2003. Respective Rights and Duties

The rights to demonstrate, to freedom of speech and to disseminate information in a lawful and peaceful manner will be respected and protected.

Demonstrations and assemblies shall be restricted to those areas which are, or are considered to be, public. In cases where the public nature of the premises is uncertain, the demonstration should be presumed to be lawful by an officer. Unintentional or intentional activities preventing other people from getting into or out of businesses, public buildings, or homes, etc., or stopping people from walking or driving through an area may alter the lawfulness of the demonstration or assembly. If there is a question regarding the lawfulness of a demonstration or assembly it shall be presumed to be lawful unless informed otherwise by a supervisory officer.

Demonstrators or assemblers shall be encouraged to honor the rights of others by permitting access to the area by use of roads, sidewalks and other public ways, unless a special permit has been issued.

Violence and destruction or damage to property shall not be tolerated.

4-2000.

4-2004. Communications with Demonstrators or Assemblers

Upon learning of a planned demonstration or assembly or immediately after the start of a demonstration or assembly, the department will undertake to communicate the department's policies in this area and the manner they will be applied in the specific case with the individual(s) or group(s) identified as the organizer(s) of the demonstration or assembly. The person(s) contacted should be encouraged to pass on all information or orders received from the police. The person(s) should be encouraged to keep the police informed of the intended activities for the demonstration or assembly.

4-2005. Enforcement of Laws

All felonies committed during a demonstration or assembly will be handled by arrest. Serious misdemeanors and ordinance violations will be handled by arrest or, when applicable, by an "order-in" or by issuance of an arrest warrant. Discretion should be used in weighing the need for enforcement of minor offenses against the likelihood that such enforcement may precipitate violence.

4-2500.

4-2500 Chippewa Valley Regional Airport

The Eau Claire Police Department is the primary law enforcement agency serving the Chippewa Valley Regional Airport. Calls for service from the airport will be handled as they are from any commercial facility.

4-2500.1 Currently the Chippewa Valley Regional Airport is not classified as an FAR (Federal Air Regulations) 107 airport; as such, there is no weapons/explosives screening of passengers using the airport, and no pre-determined police response procedure.

4-2501 Aircraft Emergencies

4-2501.1 Airport Level 1

An "Airport Level 1" status involves a general aviation non-commercial aircraft carrying less than five passengers, in which the pilot reports a major aircraft problem.

4-2501.2 Airport Level 2

An "Airport Level 2" status involves larger aircraft, generally commercial, carrying 5 or more passengers, or larger-sized non-passenger aircraft.

4-2501.3 The responding officer's primary duty, in responding to an Airport Level 1 or 2 is to secure vehicle gate #8, adjacent to the City of Eau Claire fire station #8 (Starr Ave.). Unauthorized vehicles and spectators should be controlled as not to interfere with rescue operations. Other functions may include, but are not limited to: crowd control, securing the scene from theft, securing the scene for investigators, assisting the injured, and other duties as directed by a supervisor. Officers should be alert to any observations which would assist in the accident investigation.

4-2501.4 Responsibility for guarding the accident scene will be maintained until advised otherwise by a supervisor.

4-2501.5 In all instances of Airport Level 1 and Airport Level 2 response, the Eau Claire Fire Department or the Chippewa Valley Regional Airport Fire Department will assume incident command responsibilities.

4-2900.

4-2900. ENFORCEMENT OF OBSCENITY AND PORNOGRAPHY STATUTES AND ORDINANCES

4-2901. Basic Policy

Successful police operations in a free, democratic society, require an active partnership between community citizens and their police department. It is hoped this policy, articulating the concept of shared responsibilities for both citizen-complainants and the police department, will further the development of such a partnership. The demands upon an urban police department to resolve conflict, maintain order with justice in the community, to reduce the opportunity for crime and delinquency, to aid and assist persons and to identify law violators and bring them to justice makes it very difficult for the department to expend a significant amount of resources to investigate activities that may be defined as obscene or pornographic.

4-2902. Background Information

4-2902.1 Police Dilemma

In making the determination or establishing probable cause to believe that printed matter, films and certain behavior are pornographic or obscene, the question is essentially whether constitutional protections are indicated or whether state statutes and local ordinances have been violated. It is not realistic for police officers to be expected to make preliminary judgments in this area, since the courts throughout the nation have been particularly unsuccessful in developing an enforceable standard and the U. S. Supreme Court in the Miller Case, has chosen to invite appellate state courts to establish "local" community standards.

4-2902.2 Community Involvement

It is unrealistic to expect that individual police officers embody a "moral sense of the community." Police should not be expected to determine what consenting adults may see or read; thereby acting as a community censor. Rather, it is essential that citizens become directly involved in articulating contemporary community standards of acceptability and provide the police with precise codifications of those standards. Citizens should also take the initiative in decisions to pursue criminal litigation or to seek injunctive relief from the distribution of questionable materials.

4-2900.

4-2903. Citizen Complaints

4-2903.1 The Citizen-Initiated Complaint

Citizens who have reason to believe that they have observed or have information to the effect that a state statute or city ordinance has been violated may report such information to any officer of this department or

may appear in person at the Detective Division of this department and ask to speak with the captain of that division. The citizen complainant must be prepared to assist in the establishment of probable cause to support the allegation that a violation has occurred and must be willing to sign affidavits for the purpose of securing arrest and/or search warrants. The citizen or citizens must be prepared to testify in all judicial proceedings relative to the alleged violation.

4-2903.2 Specific Services to the Citizen-Complainant

- A. The department's Detective Division is responsible for rendering assistance to the citizen complainant.
- B. The citizen complainant(s) in each case are to be assisted in the preparation of affidavits, consulting with the prosecutor and securing of arrest and/or search warrants. (This will include insuring whether or not the subject of the complaint knew the nature of the questionable materials.)
- C. Personnel of the Detective Division are to execute all warrants and to assist citizen-complainant(s) in the collection and preservation of evidence.

4-2904. Departmental Enforcement Role -- Areas of Active Enforcement

4-2904.1 Open Displays

All departmental personnel will take notice of open displays of printed matter and articles that emphasize nudity and erotic themes and are openly displayed so as to be obtrusive and potentially offensive to the unwilling passerby. A report will be filed with the Detective Division, to be reviewed by the Captain for appropriate action, as a potential public nuisance. Seizure of such materials without a warrant is not permissible.

4-2900.

4-2904.2 Juveniles

All departmental personnel will be alert to the access of juveniles to pornographic, lewd or obscene materials and performances that might be determined to be in violation of Wisconsin Statutes 944.25. Investigation reports will be directed to the Youth Aid Section for further investigation.

4-2904.3 Criminal Syndication

All departmental personnel will be alert to and make inquiry into any possible criminal syndication of businesses dealing into pornography or other acts that may possibly come under a broad definition of obscenity. Information of this type shall be forwarded to the Captain of the Detective Division. The department will actively combat criminal organizations in this area and the purveying of these materials and activities to children in this community. The Detective Division will receive all investigative information and make all contacts with the office of the Eau Claire County District Attorney, Eau Claire City Attorney and the Justice Department as required.

INFORMANT #: _____

APPROVED: _____

EAU CLAIRE POLICE DEPARTMENT

Informant Report Form

1. Case Number: _____ 2. Date: _____

3. Type of Case: _____

4. Report made by: _____

5. Case Status: _____

6. Investigative Period: _____

INFORMANT NUMBER REQUEST _____

Participatory _____

Non-Participatory _____

7. IDENTIFICATION AND BACKGROUND

Name: _____

Alias: _____

Nickname: _____

Date of Birth: _____

Place of Birth: _____

Sex: _____ Race: _____ Height: _____ Weight: _____

Hair: _____ Eyes: _____ Facial Hair: _____

Glasses: _____ Scars, Marks, Tattoos: _____

Address: _____

Telephone Number – Home: _____

Business Number: _____

Previous Addresses: _____

Marital Status: _____

Family: Father: _____

Mother: _____

Brothers & Sisters: _____

Spouse: _____ Date of Birth: _____

Children: _____

Social Security Number: _____

Driver's License Number: _____

Vehicles: _____

Employment: _____

Work Hours: _____

Military Service: _____

Education: _____

Idiosyncrasies: _____

Drug Use: _____

Criminal Specialty: _____

Associates: _____

Enemies: _____

Previous Informant Experience: _____

Photo and Fingerprints: Yes _____ No _____

Agency: _____

Identification #: _____

FBI #: _____

Criminal Record -	Charge,	Jurisdiction,	Disposition
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____
6.	_____	_____	_____
7.	_____	_____	_____
8.	_____	_____	_____
9.	_____	_____	_____
10.	_____	_____	_____

Motivation: _____

Planned Utilization: _____

Probation and Parole Status: _____

Supervision Termination Date: _____

Agent's Name: _____

Restrictions on Use: _____

Officer Receiving Agent's Approval: _____

Date Approval Obtained: _____

Primary Control Officer Assigned: _____

Secondary Control Officer Assigned: _____

PARENTAL CONSENT

Officer _____ of the Eau Claire Police Department has advised me/us of the tentative involvement of our/my minor child _____, in a criminal investigation being conducted by that Department. I/We understand and consent to this involvement.

Signature

Date

Father: _____

Mother: _____

Guardian: _____

Witnessed this _____ day of _____, 20_____, by:

RECEIPT

Voucher # _____

1. Name of Claimant: _____
2. Address: _____
3. Purpose of Disbursement: _____

4. Certification of Cooperating Individual

I certify I received payment in the amount of

\$ _____

Date

Signature of Cooperating Individual

5. Certification of Officer

I certify that payment of \$ _____ was
made for services as stated above.

Date

Signature of Officer who made disbursement

Date

Witness

INFORMANT #: _____

CASE #: _____

(If Applicable)

DATE: _____ TIME: _____ IN PERSON _____ PHONE _____

CONTACT LOCATION: _____

OFFICERS PRESENT: _____

CONTACT SUMMARY: _____

INFORMANT #: _____

CASE #: _____

(If Applicable)

DATE: _____ TIME: _____ IN PERSON _____ PHONE _____

CONTACT LOCATION: _____

OFFICERS PRESENT: _____

CONTACT SUMMARY: _____

INFORMANT #: _____

CASE #: _____

(If Applicable)

DATE: _____ TIME: _____ IN PERSON _____ PHONE _____

CONTACT LOCATION: _____

OFFICERS PRESENT: _____

CONTACT SUMMARY: _____

4-3100.

4-3100. OPERATING PROCEDURE CONFIDENTIAL SOURCES OF INFORMATION

A. Definitions

1. *Informant* refers to any individual who agrees to procure information for the Police Department or who assists the investigation by supplying services under the direction or supervision of an officer and a supervisor.
 - a. *Participating Informant* refers to an informant who supplies information and participates in an investigation, acting under the specific direction of a member of the department.
 - b. *Nonparticipating Informant* refers to an informant whose activity is limited to supplying the department with information. This informant does not become actively involved in an investigation. A complainant supplying information for money could be included in this category.

B. Establishing an Informant

1. Approval: All requests to establish an informant shall be approved by a supervisor.
2. Requests to establish an informant shall be made on an Informant Report form. (See attachment)
3. Initial Report: The Informant Establishment Report shall constitute the initial report and be divided into five sections:
 - identification
 - background photo
 - fingerprint cards, or location thereof
 - personal history
 - motivation for cooperation

C. Restrictions

Individuals under the age of eighteen – The request to utilize such an informant shall be accompanied by the written consent of either or both parents or guardian.

The use of any individual under the age of eighteen must be authorized by the Chief of Police or his/her designee.

4-3100.

4-3101. THE POSITION OF THE POLICE DEPARTMENT

The Police Department recognizes that criminal activity in the community is diverse and fluid. Information regarding criminal activity is necessary if the Police Department is to actively affect the uncontrolled growth of this criminal activity. Therefore, it is the position of the Police Department that department personnel may solicit and use citizen sources of information provided the guidelines set forth in this policy are complied with.

Many people who give information have been victims or witnesses of crimes, or may have a strong desire to aid law enforcement. However, there are others who are motivated purely by self-interests. It is necessary in all cases to evaluate the validity of information supplied and try to determine its accuracy.

4-3102. USE OF CONFIDENTIAL SOURCES

The purposes for using citizen sources are:

- A. To make information more rapidly available to the Police Department.
- B. To conduct investigations:
 - 1. To furnish information from sources not readily available to the Police Department.
 - 2. To communicate with criminal suspects.
 - 3. To make observations or perform assignments as requested in localities where a person unknown to the suspect would be suspicious.

4-3103. INFORMANT DEVELOPMENT

Whenever a person has been identified as a potential source of information, the officer to whom the source is responsible will evaluate the information received and its possible utilization, with regard to ethical and legal standards.

- A. If the source is the subject of an investigation and is using information as a means of negotiating to improve his/her position, what terms does the source expect?
 - 1. Does the source expect to facilitate criminal activity for personal gain with immunity from arrest?
 - 2. Does the source expect any charges to be dismissed or reduced?

4-3100.

3. Does the source expect to be paid?
4. Does the source expect police protection after the investigation is concluded?
5. Will the source be an active participant in an investigation (i.e., drug buys, other undercover activity)?
6. Or any other considerations?

B. Is the investigation consistent with the policies of the Police Department?

Officers using informants under any of the above circumstances shall notify a Supervisor who will review the matter and proceed in accordance with policy.

The District Attorney's Office may be contacted in order to resolve problems which may be apparent as a result of the source's responses to these questions, prior to the utilization of the information or the employment of the source as an investigative tool.

4-3104. SOURCE'S IMMUNITY FROM PROSECUTION

Sources will sometimes offer to exchange information for immunity or for their release. Such immunity may properly be granted by a judge via a judicial proceeding. Under Wisconsin Statute 972.08 (1) only the District Attorney may move for immunity. Therefore, neither the Police Department nor any of its officers may grant any person immunity from prosecution or make promises regarding such a possibility without first contacting the District Attorney's Office and obtaining approval through the appropriate channels.

4-3105. CONTROL OF SOURCE'S ACTIVITIES

Upon selection of a specific person as a confidential source, the source will be informed as to what specifically is expected of him/her, as well as what activities are prohibited. Sources are to be advised that they are not to engage in illegal or improper actions which would cause entrapment, loss of evidence, or jeopardize further investigation and prosecution. Furthermore, they will not be permitted to make illicit personal transactions and any violations of the agreement will result in enforcement actions being taken against him/her, and that all previous agreements will be terminated.

When utilizing a source, officers shall take all reasonable steps to protect the rights of the subject(s) of an investigation against improper or illegal activities

4-3100.

of the source.

4-3106. ENTRAPMENT DEFINED

“The act of law enforcement officers inducing a person to commit a crime not contemplated by him, for the purpose of instituting a criminal prosecution against him.” However, the law recognizes that it is permissible for law enforcement officers to set a trap by solicitation and affording the opportunity to the person to commit offenses they were predisposed to commit.

4-3107. SOURCE RELIABILITY

In establishing the reliability of a citizen source, the following information will be considered:

- A. The source's reliability within the law enforcement community balanced by the creditability of the information given.
- B. The number of times the source has previously provided reliable information to the Police Department.
- C. The number of arrests or search warrants based on the source's past information.
- D. The source's motivation for supplying the information.
- E. The development of the sources creditability by supervised participation in undercover activities.

Consideration of these factors may provide a partial basis for establishing the reliability and credibility of a source. However, the preferred means by which information provided by the source is to be shown reliable is by the assignment of departmental personnel to maintain surveillance of the source during those times in which he/she is actively participating for the police. Since this is not always possible, the source's information will be compared with information provided by established reliable sources, and supported with as much physical evidence as possible.

4-3107(A). SEARCH WARRANT LOCATION VERIFICATION

In an attempt to confirm and verify the information on the exact location for search warrant execution, it is required that more than one source of information be utilized. These sources may include, but are not limited to

Revised Date 3-05-90
Revised Date 2-16-04
Revised Date 3-29-04

4-3100.

visual observations, tax rolls, department records, landlord verification, and the post office.

4-3108. PROTECTING THE OFFICER AND THE POLICE DEPARTMENT

To protect the individual officers, as well as the Police Department against any potential accusations, more than one officer will be present during all conversations with sources, when possible. Cases that involve an informant of the opposite sex will have two officers present for the conversations. In cases involving the procurement of illicit drugs or other contraband where money is to be provided to the informant, the denomination and serial numbers of that money will be recorded whenever possible. Additionally, the officer employing the source may search the informant, dependent on the officer's judgment (considering reliability in the past and other special circumstances) prior to his/her contacting the suspect and immediately after his/her contact with the suspect. If a strip search is authorized (see Strip Search Policy 4-102), an officer of the same sex as the source will conduct the search at a jail or medical facility. Searches of body cavities are only to be done by medical personnel in a medical facility.

4-3109. PROBLEMS WITH THE INVESTIGATION

If the officer using a source decides that:

- A. He/she does not have sufficient control over the source.
- B. The information supplied by the source is false.
- C. The source has intentionally caused entrapment of the suspect.
- D. The source has engaged in other activities which are not legal, or ethical.
- E. Or any other unforeseen problem arises.

The officer will contact a supervisor immediately informing him/her of the situation. The supervisor will consult with available resources (i.e., the District Attorney's Office) and will make a determination regarding the future of the investigation.

4-3100.

4-3110. REIMBURSEMENT FOR EXPENDITURES

The Police Department recognizes that during the course of an investigation, sources may incur expenses for various reasons. The Police Department shall, therefore, make an effort to reimburse the sources for required expenditures, and to make it known that the money paid is reimbursement for necessary expenditures. All reimbursements should have prior authorization by a supervisor. It is required that documentation of expenses of the investigation be submitted to a supervisor.

4-3200.

4-3200. CANINE UNIT POLICY

The Eau Claire Police Department maintains a canine unit in an effort to provide the City of Eau Claire with the best police service possible. The canine unit will allow the department to increase productivity, deter crime, and improve public relations with its improved search capabilities, drug detection, and the added dimension of tracking.

The purpose and duties of the canine unit shall include but not be limited to:

- a) Tracking of individuals sought by police.
- b) The search of buildings or areas for suspected criminals.
- c) Locating evidence which has been abandoned or hidden.
- d) Reasonable and necessary physical apprehensions.
- e) Search and rescue of lost and missing persons.
- f) Detection of illegal drugs.
- g) Handler protection.

4-3202. ORGANIZATION AND CHAIN OF COMMAND

The canine unit is assigned to the patrol division under the immediate supervision of the on-duty commander. For purposes of training and related issues, the canine handler will report to the canine unit supervisor (see 4-3207.).

4-3203. DUTIES OF THE CANINE UNIT

4-3203.1 The handler(s) shall perform general duties except when their services are required for special details or training.

- a) On Duty Assignments - The canine unit may be assigned to or respond to any incident where the unit could be of assistance. Examples include but are not limited to the following:
 - (1) Burglary in progress calls, intrusion and/or robbery alarms, events in progress or that have just occurred.

4-3200.

- (2) Felony or misdemeanor crimes where the suspect has fled on foot and a need for tracking exists.
 - (3) Drug searches for canine units certified in this field.
 - (4) Building or area searches for suspects.
 - (5) Searches for evidence or discarded contraband.
 - (6) Searches for lost or missing persons.
 - (7) Bomb searches for units qualified in this field.
 - (8) Department training presentations.
 - (9) Public relations.
- b) The canine officer may not always be dispatched or requested by Patrol to respond to calls like the aforementioned. It is, therefore, imperative that the canine officer monitor calls being dispatched in the city and respond to any situations where the canine unit may be of assistance. The canine officer shall notify the Communications Center of the assist, prior to his/her arrival.
- c) The canine officer will notify the Patrol supervisor and Communications Center of scheduled on-duty training and location. Patrol supervisors will only clear the canine officer from training in the event of necessity.
- d) The canine unit shall not be used for the following situations:
- (1) To search for other animals.
 - (2) To control a crowd, with the exception of situations where it is immediately imperative to prevent death or serious bodily harm to individuals.
 - (3) To perform breeding services except as approved by the Chief of Police.
 - (4) To accomplish any application where a strong potential exists for discrediting the Eau Claire Police Department and the canine unit.

4-3200.

- (5) To be entered in any show or trial without the Chief of Police's prior approval.
- (6) Be assigned a call that leaves the Canine unsupervised for an extended time or causes the team to be unavailable for call.
- e) The canine handler(s) shall maintain accurate and up-to-date records in the following areas:
 - (1) Training records.
 - (2) Medical and health records.
 - (3) Performance records.
 - (4) The canine handler(s) will submit a monthly report summarizing the activities of the unit. This report shall include all incident numbers of situations the dog is involved in.

4-3203.2 APPLICATION OF THE CANINE

The decision to apply the dog in a given situation shall be solely that of the dog handler(s). He/she will be the only one capable and trained to read or understand changes in his/her dog's demeanor which would affect its application. All canine unit activities are subject to the rules and regulations of the Eau Claire Police Department.

4-3203.3 PUBLIC RELATIONS

- a) All public relations demonstrations must have prior approval of the Canine unit supervisor.
- b) All outgoing information about the canine unit shall be first approved by the chief or his/her designee.

4-3204. OFFICER GUIDELINES

4-3204.1 Officers involved with a canine deployment shall be governed by the following:

- a) Officers at the scene shall contain the area to the extent possible to prevent escape of the suspect(s) and maintain their perimeter security until notified that the search is concluded. Patrol units assigned to perimeter locations will be moved accordingly with the canine unit's track.

4-3200.

- b) Officers shall refrain from unnecessary conversation, stay clear of doors and windows, and shall not enter the search area unless instructed by the canine handler(s) or supervisor.
- c) When the canine unit enters a building or search area, at the discretion of the handler(s) another officer may be assigned to accompany the canine unit. This officer's responsibilities would be to provide cover for the canine unit.
- d) Officers should avoid lighting up the canine team with spotlights or flashlights.
- e) If an officer is requested to accompany the canine unit during a field or building search, he/she shall take a position to the rear of the canine handler and carefully follow all instructions given by the handler.
- f) Once the dog has been sent to make an apprehension, other officers shall not attempt to take the person into custody until the animal has been called off, unless it is safe to do so.
- g) Officer interference with a canine in pursuit may result in injury to the officer(s). If an officer comes between a suspect and the dog, he/she should stand as still as possible and make no overt movements.
- h) Officers checking an enclosed area with the canine unit shall issue verbal warnings before searching a building, structure or premise unless it is tactically undesirable in a given situation. This announcement will be made periodically during the search of the area, depending on the area size.
- i) The perimeter unit should keep the area clear of civilian personnel.
- j) Officers should avoid contaminating the search area prior to the completion of the canine's search. Officers should be careful to refrain from touching any discarded evidence.
- k) If officers have entered the search area or building prior to the canine unit's arrival, they should make sure that all officers are out of the area prior to the canine's search. The canine handler should be made aware of the area that has been contaminated.

4-3200.

4-3204.2 EMPLOYEE CONDUCT

- a) No members of the department will touch, handle or pet the police canine unless given permission by the handler.
- b) Personnel shall not tease, agitate, or harass the police canine.
- c) Members of the department shall refrain from horseplay with other personnel or the handler when the police canine is present. Do not make aggressive gestures towards the handler.
- d) If a working canine (for example, an actively tracking, scenting, or apprehending canine) approaches an employee, the employee should stand still.

4-3205. USE OF FORCE

The canine unit shall be guided by departmental use of force policies. Should a situation arise where a canine is used to apprehend a suspect, the handler should have probable cause to believe a person has committed a felony in violation of Wisconsin statutes, or, that there is danger of serious injury to officers or other persons by the suspect. The handler shall allow the canine to use only the force necessary to effect the apprehension of the subject the dog was ordered to apprehend.

4-3206. CANINE HANDLER

The following are criteria that may be used in the selection of a departmental canine handler:

- a) Officers shall have a minimum of two years law enforcement experience with the Eau Claire Police Department.
- b) Officers shall be volunteers.
- c) The officer's residence shall be capable of housing the canine and have adequate space for the construction of a kennel. The officer will be required to house the canine at his/her residence.
- d) In the event the officer does not own the property, the officer shall obtain written permission from the property owner for the housing of the canine.

4-3200.

- e) Any officer selected for the position of canine handler should expect to remain in the canine unit for the working life of the dog.
- f) The officer shall be in good health and not suffer from serious medical problems and must be strong enough to withstand the dog handling, training and work conditions.
- g) The officer shall have family in agreement with his/her being assigned to the canine unit.
- h) If there are other pets in the home, the officer shall agree that if conflict occurs between the department's animal and the pet, that the pet must be removed from the home.
- i) The officer shall understand and embrace the canine unit's mission and philosophy.

4-3207.

CANINE UNIT SUPERVISOR RESPONSIBILITIES

- a) Ensure all handlers complete the assigned basic training program.
- b) Review canine officer's monthly reports and maintain records of same (4-3203.1(e))
- c) Be responsible for all records on the canine program, i.e., selection, handler training, monthly evaluation, activities, arrests and apprehension. These records should be on file and available for inspection.
- d) Ensure required maintenance training is conducted.
- e) Act as liaison to department supervisors and personnel for the canine unit. Liaison duties would consist of apprising departmental personnel of the activities and capabilities of the unit as well as seeking input for improvement of canine services to the department.
- f) Assign public relations duties.
- g) Conduct required kennel and vehicle inspections.

4-3208.

SELECTION OF CANINES

4-3208.1

Dogs selected must meet the following criteria:

- a) Dogs must pass physical examination by an approved veterinarian.

4-3200.

- b) Dogs must pass temperament testing.

4-3208.2 TRAINING

- a) Initial School Criteria
 - (1) Before any dog is accepted for the program, it shall be given a medical examination by an approved veterinarian.
 - (2) The canine training program must be approved by the Chief of Police.
 - (3) A canine training program will be selected to meet the specific needs/philosophies of the department.
 - (4) Training shall be conducted in an orderly fashion during all work sessions with periodic breaks for relaxation of dogs and personnel.
 - (5) Safeguards shall be employed to prevent injuries to dogs, personnel and third parties during training.
- b) No canine unit shall be used until the unit has completed the selected course of instruction.
- c) Training Updates
 - (1) Refresher training will be conducted on an on-going basis, as determined by the handler and supervisor.
 - (2) Periodic testing and recertification will be required of each canine unit.
 - (3) Training should be varied and should be representative of the job requirements.
 - (4) Dogs shall not be abused or mistreated, and only such force as is absolutely necessary to restrain them will be permitted.
 - (5) Training shall not be performed without proper equipment.

4-3209. OTHER AGENCY RESPONSE

- 4-3209.1** Canine units will respond to incidents outside of the City of Eau Claire under the following guidelines:

Effective Date 04/10/90
Updated 09/97
Updated 08/26/98

4-3200.

- a) The Chief of Police or designee must approve all requests.
 - (1) The commanding officer may approve exigent circumstance requests.
 - (2) Pre-planned requests must be approved by the Captain of Patrol.
- b) The requesting agency will be advised that they will be expected to reimburse the City of Eau Claire for the canine unit cost, if:
 - (1) The situation is a pre-planned event.
 - (2) A non-adjointing jurisdiction makes a request.
 - (3) An adjacent jurisdiction makes a request when the canine unit is off duty.
- c) The canine handler will be advised of the request and any special requirements.
- d) The requesting agency will be advised of the decision authorizing use of the canine unit. They will also be given an approximate arrival time if the canine unit has been authorized to assist.
- e) Upon arrival at the scene, the canine handler will determine the amount of involvement by the canine unit.

4-3209.2

A shift supervisor or designee will prepare a written report for the Chief of Police furnishing information relative to the following:

- a) The request for use of the canine unit, including the name of the requesting officer or official.
- b) The need for such service.
- c) The action taken on the request.
- d) The results of the assistance.

3209.3

The canine handler will file a complete report concerning the involvement of the canine unit.

4-3200.

4-3210. INJURED HANDLER

If any canine handler becomes incapacitated or injured and is unable to handle his/her dog, officers at the scene should:

- a) If possible, have the handler call his/her dog. Once the dog is under his/her personal control, the crisis should subside.
- b) Attempt to call the dog to the squad, the canine vehicle if possible, using the phrase the handler would use to load his/her dog.
- c) Attempt to get another handler.
- d) Consider bringing the spouse or member of the handler's family to the scene.
- e) If necessary, tranquilize the canine.
- f) Destroy the canine as a last resort.

4-3211. INJURIES AND DAMAGES RELATED TO CANINE UNIT

4-3211.1 In every situation where an Eau Claire police dog injures another person, the following procedure will be followed:

- a) The shift supervisor will be immediately notified.
- b) All necessary use of force reports required by the department will be filed.
- c) The injured party shall be interviewed regarding the crime and the dog's activities.
- d) Ask the injured party for a release of medical records.
- e) Record all details of medical care.
- f) When the location of a bite is in a sensitive area, an officer of the same gender as the victim shall act as witness and photographer.
- g) Turn in required reports within 24 hours of the incident.
- h) Medical Treatment

4-3200.

- (1) If an injured party is uncooperative, the canine officer should request another officer to be present to verify the injured party's response. This would include refusals to allow the effected bite area to be observed.
 - (2) If an injured juvenile refuses to allow you to see the alleged bite area, that person should be escorted to a hospital, as soon as possible, for doctors examination. If a parent intercedes and refuses such examination, a second officer should be available to witness the refusal.
 - (3) In all cases of visible injury in an alleged bite area, have the juvenile taken to a medical facility when practical and possible. This information shall be included in a complete report.
- i) The same requirements shall prevail even if the bite is accidental and occurs while on or off duty.

4-3211.2 The canine officer shall be afforded the protections provided in section 895.46 of the Wisconsin Statutes with respect to injuries or damages resulting from the actions of the canine, whether occurring on or off duty.

4-3212. CANINE CARE

4-3212.1 Eau Claire Police Department canine handlers, except with approval of supervisors, are to care for their assigned police dog.

- a) The handler will be responsible for the health and welfare of the assigned canine, both on and off duty.
 - (1) Annual medical examinations will be conducted every year or as needed should an injury occur.
 - (2) Veterinarian care will be paid for by the department.
 - (3) Any illness or injury of a non-emergency nature shall be reported to the handler's supervisor. If it is determined by the handler the canine should be taken to the veterinarian, the supervisor shall be notified as soon as practical.
 - (4) In an emergency situation, the handler shall ensure that the canine receives immediate medical attention. The handler shall submit a memorandum to his/her supervisor describing the entire incident.

4-3200.

- (5) The handler will be responsible to administer any medication as prescribed by the veterinarian.
- b) The canine(s) will be licensed in accordance with state and local laws.
- c) The handler will be responsible for the daily grooming and check of their assigned canine. The labor contract will specifically address this issue.
- d) The canine will be fed regularly at a time that will allow a maximum of time between feeding and going on duty. A food allowance will be provided by the department.
- e) The canine home kennel will be kept clean and sanitary.
- f) Canines are the property of the City of Eau Claire and will be treated accordingly.

4-3213. EQUIPMENT

4-3213.1 Each canine unit will be equipped with the following:

- a) The uniform on duty will be the uniform of the day. When training or on a track or search, a blue jumpsuit with proper footwear is permissible.
- b) One fully equipped vehicle.
 - (1) Emergency equipment similar to a regular patrol vehicle.
 - (2) Separate cargo area for the canine.
 - (3) Remote opening capabilities for the cargo area of the vehicle.
- c) One short lead and one long lead with one collar.
- d) One agitation sleeve and muzzle.
- e) Any other necessary equipment as recommended by the handler to the canine supervisor upon final approval by the Chief of Police.

4-3200.

4-3213.2 The City of Eau Claire shall provide:

- a) Food and veterinarian care.
- b) All other necessary equipment for training and patrol duties as deemed necessary by the department through the usual process.

4-3213.3 Canine handlers are responsible for the issued equipment and insuring that it is kept in good condition. Any damage to, malfunction or loss of canine equipment will be reported to the handler's supervisor immediately.

4-3213.4 An off duty canine handler may use the department canine vehicle as long as the canine is present and the handler is prepared to respond to calls if needed. Any passenger, other than the canine, must abide by the department policy concerning use of seat belts.

4-3214. DISPOSITION OF CANINES

4-3214.1 Whenever a dog is removed from active service except for illness, viciousness, or some similar situation, the dog will be offered to the handler.

- a) If the dog is to be released from its canine assignment, the new owner will be required to sign a waiver of legal liability, releasing the City of Eau Claire, the City of Eau Claire Police Department, and departmental personnel from all liability or responsibility for anything which concerns the dog from that day forward.
- b) The new owner receiving the dog must, as a condition of his/her receipt of the dog, immediately relicense the dog in the new owner's name at their expense.
- c) All pedigree papers will be given to the new owner receiving the canine.

4-3214.2 In the event of the death of the canine, the following procedures will be followed:

- a) The supervisor will be immediately notified.
- b) The veterinarian and/or District Attorney's office will be contacted to determine whether an autopsy is necessary and if so, where the canine should be transported.

4-3200.

- c) If no autopsy is necessary, the handler shall make arrangements with the veterinarian for proper disposal.

4-3300.

4-3300. TAVERN CLOSING

The following guidelines are made for field personnel regarding the closing of taverns.

- 4-3300.1** The proprietor or manager shall be permitted to check out receipts, check their premises for burning cigarettes, check windows and doors for security and shall be permitted to do minor cleanup, up to thirty minutes after required closing.
- 4-3300.2** Commercial janitorial service personnel shall be allowed to enter taverns for the purpose of cleaning between the hours of 1:00 A.M. and 8:00 A.M. because of the number of contracts they have with the various business places.
- 4-3300.3** No drinking shall be allowed by anyone after closing and no employees or friends shall be permitted to sit at the bar or in booths after closing.
- 4-3300.4** The premises must be well lighted during cleanup.
- 4-3300.4** No more than two (2) persons shall be permitted in the bar after closing for counting the day's receipts, minor cleaning, etc.
- 4-3300.5** The premises must be vacated by all persons, including proprietor/manager, thirty minutes after required closing (unless 4-3300.2, above, applies).

4-3400.

TRAFFIC ACCIDENT INVESTIGATIONS

4-3400. POLICY STATEMENT

The main purpose of a traffic accident investigation is to determine the causation of an accident. From the information gathered, steps can be taken to improve the motoring traffic ways. This information can be used to develop selective enforcement programs, public awareness, and educational programs, as well as be used by highway and vehicle engineers for highway and vehicle improvements.

It will be the policy of this department to review each reported accident and to take the appropriate action. The extent of the investigation will depend upon the seriousness of the accident and/or the seriousness of any possible related crime or offense. The investigation will be properly documented and in any case, when the investigating officer has reason to believe that a violation has caused or contributed to the accident, appropriate enforcement shall be taken.

4-3401. Policy: Traffic Accident Investigation

4-3402. Response

Officers dispatched to a traffic accident will respond using due regard to avoid injuries or property damage to themselves or others.

In all instances, the officer's manner of driving to an accident scene should be safe and based on a need for immediate action.

Enroute to the accident scene, the officer will remain alert for any vehicle(s) which give an indication of having been involved in an accident (e.g. excessive speed, damaged parts, defective equipment).

4-3403. Protecting the Scene

Upon arrival at the accident scene, the officer shall assess the scene and park in such a manner as to protect the persons and vehicles involved and to give oncoming traffic warning to the hazard ahead.

As soon as possible, the officer should notify the Communications Center for the need of additional assistance (e.g. squad, medical, extrication, wreckers, fire apparatus) or to relay information to the other responding units or to advise them to slow down or disregard.

4-3400.

4-3404. Care of the Injured

After protecting the scene by squad placement (and flares as deemed necessary), the officer shall immediately give emergency aid to any injured and notify the Communications Center of the situation so the proper medical personnel are alerted. The officer will maintain care of the injured until other qualified personnel are available to relieve him/her.

Emergency care is a PRIMARY responsibility, but it should not be performed to the exclusion of protecting the scene from further crashes or injury.

The nature of any injuries should be carefully considered in any decision about moving a victim.

4-3405. Protection of Property

In the event that the people involved in the accident are unable to care for their personal belongings, it will be the assigned officer's responsibility to see that these items are secured or tended to. This can be done by sending them in the ambulance, giving them to a responsible relative of the owner, or securing them in the squad until the officer can transfer them to the owner, a relative, or the police department.

4-3406. The Investigation

If the accident is of a minor nature, the vehicle(s) involved may be moved to the side of the road or to a nearby parking area to allow for the normal flow of traffic. See Policy 6-700 if Department vehicle(s) are involved.

If the accident is of a serious nature (great bodily harm, death or of a criminal nature), the vehicle(s) involved should not be moved from their final rest positions until a complete field investigation has been done. (This would include photographs and marking for measurements prior to the vehicle(s) or evidence being moved.) If the accident could result in felony charges brought against the operator(s) of a vehicle involved in the accident, the vehicles and other appropriate evidence should be impounded and secured.

If the road is completely blocked, traffic should be re-routed on an alternate route for as long as is necessary to complete scene stabilization. If the road is not completely blocked, a safe passageway through the scene should be made available to facilitate traffic movement.

4-3400.

If the accident requires the use of an accident reconstructionist, the immediate supervisor will be contacted, and he/she will make the necessary arrangements. If possible, the accident scene should be left as is until the accident reconstructionist's arrival. If it is necessary that anything be moved (e.g. bodies, vehicles, evidence, etc.) photograph and mark its location prior to its removal.

The accident reconstructionist's primary responsibility is the measurements with the secondary responsibility being photographs. The accident reconstructionist will not be responsible for completing the MV4000.

4-3407. Clearing the Scene

If the towing of vehicles is necessary, officers will solicit and honor, if practical, the driver's choice of towing service. If the driver is unable or unwilling to express a choice, or if the vehicle is to be impounded, the officer will determine the towing service consistent with other departmental policy.

Officers are to check for hazardous debris on the highway and make arrangements for the removal of such if found. Arrangements will be made for emergency repairs and replacements of damaged signs or signal where a hazard is created. In all other cases, appropriate notification will be made.

4-3500.

4-3500. EMERGENCY MEDICAL MATERIAL TRANSPORTS

The Department shall, upon request, perform transports of necessary medical materials for established medical facilities. Transporting officers shall operate emergency vehicles consistent with applicable state statutes and department policy 4-800, Guidelines for the Operation of Emergency Vehicles. Transports will be limited to within city limits unless approved by the Commanding Officer.

Upon such a request, Emergency Communication Center personnel shall determine the following, if possible:

- 1) The exigent nature of the transport;
- 2) If the material to be transported is immediately ready to be transported; and
- 3) The estimated time of arrival, and meeting location, of outside agency personnel if involved in the transport.

Non-emergency medical transports will not be conducted unless specifically authorized by the Commanding Officer.

4-3600.

4-3600. CRITICAL INCIDENT STRESS

Although stress is inherent in policing, occasionally departmental employees will be exposed to unusually stressful situations which may place them under great emotional strain and symptoms of psychological distress may develop. These "critical incidents" such as excessive danger, destruction, and human misery are generally outside the range of an employee's usual experiences.

All members of the Department play an important role in recognizing these events and ensuring that the procedures outlined herein are implemented for the welfare of their fellow employees.

4-3601. Definition of a Critical Incident

A critical incident is a situation faced by Eau Claire Police personnel which causes them to experience unusually strong emotional reactions which have the potential to interfere with functions either at the scene and/or later. It may be that circumstances are so unusual or the sights and sounds are so distressing that they produce an immediate or delayed emotional reaction that surpasses the normal coping mechanisms. A situation does not have to be a major disaster to classify as a critical incident.

The following are a few examples of critical incidents:

- A. A serious injury or death of Eau Claire Police Department personnel in the line of duty.
- B. A serious injury or death of a civilian resulting from police operations.
- C. A case which is charged with profound emotion, such as the sudden death of an infant under particularly tragic circumstances.
- D. A case involving a departmental employee which attracts an unusual amount of attention from the news media.
- E. Loss of life which follows extraordinary and prolonged expenditures of physical and emotional energy in a rescue attempt.

4-3600.

- F. An incident which can be considered a serious physical or psychological threat to the personnel involved.

4-3602.

Characteristic Symptoms Following a Critical Incident May Include:

- A. Being unable to talk about the event and the feelings associated with it.
- B. Feeling detached and withdrawn - keeping emotional distance from family and friends.
- C. Avoiding activities that are reminders of the incident.
- D. Experience recurring and intruding memories, feelings, or dreams about the incident.
- E. Feeling preoccupied and experiencing impaired memory and concentration - difficulty in completing tasks.
- F. Difficulty sleeping, feeling hyper alert, startling easily.
- G. Increased use and/or abuse of alcohol, medications, or other drugs.

It is important to emphasize that employees with these symptoms are experiencing normal responses to abnormal events - they are not crazy or unique. While these symptoms are characteristic of other emotional experiences, their development after a traumatic event is fairly common and is a normal response.

The development of symptoms, or lack of symptoms, is in no way indicative of a weakness or mental illness in an employee. If, however, an employee suppresses, denies, or in any other way fails to work through the normal psychological pain associated with a stress reaction, a potential for development of a serious emotional disorder exists.

4-3603.

Overview of Services Provided by the Chippewa Valley Emergency Support Service (CVESS)

The Chippewa Valley Emergency Support Service (CVESS) is a multi-county organization consisting of trained volunteers who are skilled at defusing the effects of critical incident stress/post traumatic stress. This critical incident stress debriefing team includes both mental health

4-3600.

professionals and peer support personnel. CVESS is an independent confidential organization which provides services for agencies like ours but is not a part of any of the agencies it serves. The region served by this team will include Chippewa, Dunn, Eau Claire, Pepin, and Pierce Counties.

The Chippewa Valley Emergency Support Service will provide the following types of intervention:

- A. Stress management training/education.
- B. On scene support services if needed. Team members will only work with obviously distressed individuals at the scene for short durations (5-15 minutes).
- C. Defusing. A defusing is a "mini debriefing" which immediately follows the incident. It is short in duration (20 - 45 minutes) and can be conducted by a trained peer.
- D. Debriefing session. A debriefing session is held for all employees involved in a critical incident within 72 hours of that incident. The session is guided by a mental health professional with the assistance of trained peers. The session is tailored to the specific incident and although the duration is flexible, it will typically last approximately three (3) hours.
- E. Follow-up services/referrals. Some incidents may require follow-up services from the critical incident stress debriefing team. However, usually a referral will be made through the City's employee assistance program (EAP).

The services provided by the Chippewa Valley Emergency Support Service are strictly confidential. The defusing/debriefing is not part of any investigation nor is it an operations critique.

4-3604. Procedural Guidelines

To assist personnel in adjusting to a critical incident the Department has developed the following procedure:

4-3600.

- A. Any member of the Department recognizing that one or more employees is/was involved in a potential critical incident shall immediately inform the on duty Commanding Officer (C.O.).
- B. The C.O. shall determine whether the situation falls within the description of a critical incident. The following questions may be helpful in making this determination:
 - 1. Does the incident involve death, near death, or great bodily harm?
 - 2. Are there known aspects about the involved employees life experience which significantly increase the likelihood of an adverse reaction?

Examples include:

- a. Recent exposure to a similar situation.
- b. Recent death of a family member
- c. A family member who sustained serious injury as the result of a similar incident.
- d. The victim of the critical incident is personally known to the employee.

Refer to other examples listed under the definition of a critical incident.

- C. Once the situation has been determined to be a critical incident, the Commanding Officer informs a member of the Chief's Staff and also informs one employee serving on the Department's Critical Incident Stress Committee of the circumstances surrounding the incident.
- D. The Critical Incident Stress Committee member who is contacted by the Commanding Officer will gather needed information about the incident and request a debriefing through the Chippewa Valley Emergency Support Service (24 hour phone # 715-834-6868). The Chippewa Valley Emergency Service coordinator will arrange the appropriate intervention (defusing, debriefing, or referral) after discussions with the Department's Critical Incident Stress Committee member. Intervention should be scheduled within 72 hours of the critical incident.

4-3600.

- E. The CVESS coordinator may determine that intervention is not appropriate. If the Commanding Officer, critical incident stress committee member from the Department, or involved employee(s) still request some type of intervention, the Critical Incident Stress committee member may conduct a defusing and/or refer the employee to the City's Employee Assistance Program.
- F. The Critical Incident Stress Committee member assigned to the incident will inform the involved employee of the intervention arrangements.
- G. All involved employees will be invited to attend the debriefing if held. The Department reserves the right to require attendance in situations when an employee had direct and immediate involvement in a critical incident. Some examples of potential mandatory attendance would be:
 - 1. An employee's death in the line of duty.
 - 2. Involvement in a police shooting.
 - 3. Severe injury in the line of duty.
 - 4. A disaster or major multi-casualty incident.
- H. If deemed appropriate by the Division commander, the involved employee may be placed on administrative leave or special assignment.

4-3605. Chippewa Valley Emergency Support Service Team Members

The CVESS has representatives from several counties and many different agencies (law enforcement officers, fire firefighters, telecommunicators, ambulance personnel, and emergency medical workers). Debriefing sessions are specifically tailored to the type of critical incident. The debriefing team may be appropriately structured to include only peers from other jurisdictions or, depending on the situation, team members from the Eau Claire Police Department may be involved if that is deemed

4-3600.

as beneficial. The operations manual contains a list of the Eau Claire Police Department members currently serving with the Chippewa Valley Emergency Support Service debriefing team, and the mental health professional who guide the debriefing team.

4-3606. Employee Assistance Program

The City of Eau Claire offers a confidential employee assistance program (EAP) through Luther Hospital Healthworks (phone 715-839-3060 or 1-800-236-3060). The EAP provides free, short term counseling services (long term counseling provided through the employees health plan) for employees experiencing a variety of personal and/or job related problems. Job performance may be adversely effected by substance abuse, emotional problems, family difficulties, legal issues, physical health disorders, and/or other personal problems. The employee assistance program is available to assist employees and their families/significant others so they can effectively carry out their job responsibilities. (For additional information, refer to policy 6-330, Employee Assistance Program)

4-3700.

4-3700. LINE-OF-DUTY DEATH

4-3701. POLICY STATEMENT

This policy is designed to prepare the Eau Claire Police Department for the event of an active duty officer's death in the line of duty and to direct the agency in providing proper support for the deceased officer's family. It is the policy of the Eau Claire Police Department to provide liaison assistance to the immediate survivors of an active duty officer who dies in the line of duty and to provide tangible and emotional support during this traumatic period of re-adjustment for the surviving family.

4-3702. DEFINITIONS

For the purposes of this policy, the following definitions shall apply.

4-3702.1 LINE OF DUTY DEATH - The death of an active duty officer by a felonious or accidental means during the course of performing police functions while on or off duty.

4-3702.2 SURVIVORS - Immediate family members of the deceased officer to include spouse, children, parents, siblings, fiancé', and/or significant others.

4-3702.3 DEPARTMENTAL LIAISON - A police department officer who will have overall responsibility for family contact and coordination of departmental responsibilities under Policy #4-3700.

4-3702.4 MEDIA RELATIONS - Department representative with responsibility for media contacts relating to a line-of-duty death.

4-3702.5 HOSPITAL LIAISON - Department representative with responsibility for coordinating arrival of survivors, department personnel, media, and others at the hospital.

4-3702.6 NOTIFICATION OFFICER - Department representative with responsibility for identification of additional survivors outside immediate area and any notifications as desired by the immediate family.

4-3700.

- 4-3702.7** **FUNERAL LIAISON** - Department representative with responsibility for acting as facilitator between the descendant officer's family and the department during the wake and funeral.
- 4-3702.8** **BENEFITS COORDINATOR** - Department representative responsible for assisting the family with filing for due benefits, preparation of related documents, advising the surviving family of the role of police associations, support groups, etc.
- 4-3702.9** **FAMILY SUPPORT OFFICER** - Department representative with responsibility for serving as a long-term liaison and support contact for the surviving family.

4-3703. PROCEDURES

In the event of a line-of-duty death or a line-of-duty serious injury with a poor prognosis of survival, the Commanding Officer shall immediately arrange for the notification of the Chief of Police, or in his absence, a member of the Chief's Staff. The Chief and staff will designate a Departmental Liaison Officer who will be responsible for coordination of family contact and direction of departmental activities under this policy.

Notification of the immediate family should be made as soon as possible. It may be made by the Chief of Police, or his representative, along with another officer, or support person (i.e. clergy). Whenever the health of the immediate family is a concern, emergency medical personnel shall be requested to stand by. **Undue delay in notification is to be avoided.**

If the opportunity to get the family to the hospital exists prior to the officer's death, those transporting family members shall notify the hospital that the family is on its way.

If the officer has died, notification should be made to the survivors in as forthright and empathetic a manner as possible.

4-3700.

Communication of information concerning the officer in the incident shall, whenever possible, be restricted to the telephone to avoid unnecessary interception of information. Should the media or others obtain the officer's name prematurely, the Department Liaison Officer or his/her designee should request that the information be withheld until proper notification of survivors can be made.

Whenever possible, the Chief of Police shall join the family at the hospital in order to emphasize the agency's support.

4-3704. Upon arrival at the hospital, the **DEPARTMENTAL LIAISON OFFICER** shall serve as or designate a **HOSPITAL LIAISON OFFICER** who shall be responsible for coordinating the arrival of immediate survivors, the departmental personnel, the media and others, and assume the following responsibilities:

- a. Arrange for waiting facilities for immediate survivors and a press staging area. The desires of the surviving family members should be followed with regard to the accessibility to other officers and friends.
- b. Ensure the medical personnel provide pertinent medical information on the officer's condition to the family before any other parties.
- c. Assist family members, in accordance with their desires, in gaining access to the injured or deceased officer.
- d. Provide hospital personnel with all necessary information on billing for medical services. The liaison officer should ensure that all medical bills are directed to the appropriate departmental authority and that they are not forwarded to the officer's family or other survivors.
- e. Arrange transportation for the family and other survivors upon their departure from the hospital.
- f. Ensure that immediate family members are provided with appropriate assistance at the hospital.

4-3700.

4-3705. APPOINTMENT OF OTHER DEPARTMENT COORDINATION PERSONNEL

4-3705.1 The **DEPARTMENT LIAISON OFFICER** shall act in a capacity parallel to that of an incident commander for field activities; however, this role should not be confused with ongoing field and investigative operations. He/She will serve as a facilitator between the family and the department. This individual will normally be a staff officer in order to expedite the delegation of assignments. Responsibilities of the **DEPARTMENT LIAISON OFFICER** will include, but are not limited to:

- a. Make additional personnel assignments to assist in handling incoming phone calls and inquiries and to direct the public to appropriate personnel.
- b. Ensure that the employee assistance program is implemented to assist surviving family members and emphasize the family's right to psychological services. (Policy #6-330)
- c. Ensure that other officers are provided the opportunity to participate in critical incident stress debriefings. (Policy #4-3600)
- d. Ensure, through the **FUNERAL LIAISON OFFICER**, that travel and lodging arrangements for out-of-town family are completed.
- e. Identifying alternative churches and reception halls that will accommodate the law enforcement funeral. These alternatives will be presented to the family, who will make the final determination.
- f. Ensuring that the needs and wishes of the family come before those of the department.
- g. Coordinating all official law enforcement notifications and arrangements to include the honor guard, pallbearers, traffic control, and liaison with visiting law enforcement agencies.
- h. Assisting family members in dealing with general media inquiries and informing them of limitations on what they can say to the media specifically.

4-3700.

- i. Providing liaison with the media to include coordination of any statements and press conferences. The Departmental Liaison shall also ensure that members of the agency are aware of restrictions regarding release of any information that might undermine future legal proceedings.
- j. Ensuring that security checks of the survivor's residence are initiated immediately following the incident and for as long as necessary thereafter.
- k. Relaying the information to the family concerning the circumstances of the decedent officer's death and appropriate information regarding any investigation.

4-3705.2 The **DEPARTMENT LIAISON OFFICER** will designate the following coordination personnel for completion of the listed responsibilities and may designate additional personnel as needed. See diagram 4-3706.

The designated departmental officer(s) shall begin serving in the following capacities: Notification Officer, Funeral Liaison, Benefits Coordinator, Media Relations Officer, and Family Support Officer. These assignments will be made in writing to departmental personnel and the surviving family members will be informed of those designated.

4-3705.3 The **FUNERAL LIAISON OFFICER** acts as facilitator between the decedent officer's family and the department during the wake and funeral. The **FUNERAL LIAISON OFFICER** is responsible for:

- a. Meeting with family members and explaining his responsibilities to them.
- b. Being available to the family prior to and throughout the wake and funeral.
- c. Ensuring that the needs and wishes of the family come before those of the department.
- d. Assisting the family in working with the funeral director regarding funeral arrangements.

4-3700.

- e. Determining the need for travel arrangements for out-of-town family members and any other special needs of the family during the funeral and reporting this information to the Department Liaison.
- f. Briefing the family members on the procedures involved in the law enforcement funeral.

4-3705.4 The **BENEFITS COORDINATOR** is responsible for:

- a. Filing workers' compensation claims and related paperwork.
- b. Presenting information on all benefits available to the family.
- c. Documenting inquiries and interest in public donations to the family and establishing a mechanism for receipt of such contributions, as appropriate.
- d. Preparing all documentation of benefits and payments due survivors to include the nature and amount of benefits to be received by each beneficiary, the schedule of payments and the name of a contact person or facilitator at each benefit or payment office.
- e. Filing all benefits paperwork and maintaining contact with the family in order to ensure that benefits are being received. A copy of benefits documentation should be provided to all survivors affected and explained to each of them.
- f. Advising the surviving family of the role of police associations and organizations and the nature of support programs that they sponsor for law enforcement survivors.

4-3705.5 The **FAMILY SUPPORT OFFICER** serves in a long-term liaison and support capacity for the surviving family. The duties of this individual include:

- a. Providing contact with the surviving family members in order to keep them abreast of criminal proceedings relating to the death of their family members.
- b. Accompanying surviving family members to criminal proceedings, explaining the nature of the proceedings, and introducing them to prosecutors and other persons as required.

4-3700.

- c. Identifying all support services available to family members and working on their behalf to secure any services necessary.
- d. Maintaining routine contact with family members to provide companionship and emotional support and maintain an ongoing relationship between the department and the immediately family.
- e. Relaying the concerns and needs of the family to those individuals or organizations that may provide assistance, and encouraging others to visit and help as necessary.

4-3705.6 The **MEDIA RELATIONS OFFICER** is responsible for media contacts relating to a line-of-duty death. The duties of this individual include:

- a. Preparation of statements and press releases.
- b. Arrangement of press conferences.
- c. Receipt of press inquiries.
- d. Provision of information to family and departmental personnel on limitations as to what information can go to the media.

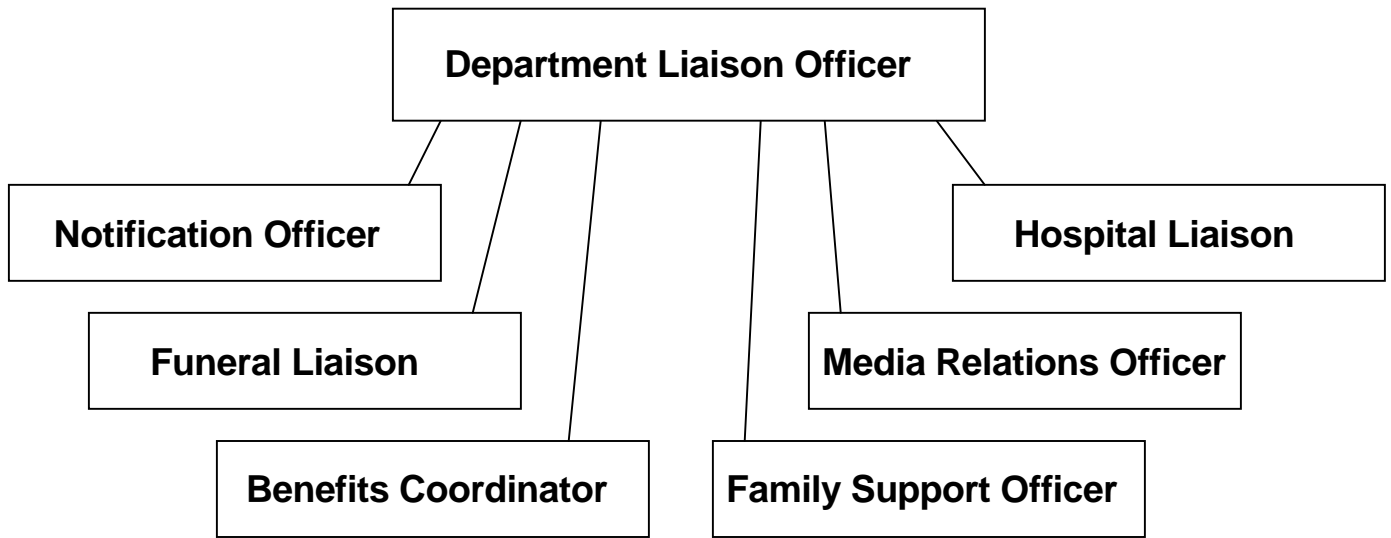
4-3705.7 The **NOTIFICATION OFFICER** is responsible for identification of additional survivors outside immediate area and any notifications as desired by the immediate family. The duties of this individual include:

- a. Notification of additional survivors outside the area.
- b. Notification of department members.
- c. Notification of other agencies.

4-3705.8 **Flow Chart**

Effective date 04/08/93

4-3700.



Effective date 04/08/93

4-3800.

FIELD TRAINING OFFICER PROGRAM

4-3800.1 Philisophy of the Field Training Officer Program

- A. It is the goal of the Eau Claire Police Department to provide the best possible service to the community.
- B. This goal is served by selecting and retaining personnel of the highest possible qualifications and by providing training to maintain a high standard of performance.
- C. In theory, law enforcement academies train and produce state certified personnel. However, it would be unrealistic for a law enforcement agency to expect that an academy graduate could report for duty and adequately perform the many and varied tasks of a law enforcement officer without additional guidance. Some of the areas in which additional training is needed include:
 - 1. Local ordinances
 - 2. Form familiarization
 - 3. Department mission
 - 4. Philosophy
 - 5. Procedures
 - 6. Policies of the Eau Claire Police Department.

4-3800.2 The Eau Claire Police Department is committed to conducting a Field Training Officer Program.

- A. The Field Training Officer Program is a systematically organized and consistently administered period of formal field training and evaluation with the goal of producing a police officer capable of providing solo patrol services in a safe, courteous, efficient, and effective manner.
- B. The Field Training Officer is the essential means by which the goals of the program are achieved.
- C. The Field Training Officer teaches the probationary officer the knowledge, skills, and attitudes necessary to perform solo patrol. Furthermore, the Field Training Officer assists the probationary officer to transfer and apply the classroom training, which they have received, to the street.

4-3800.

- 4-3800.3** Officers serving in the capacity of a Field Training Officer shall possess above average knowledge, skills, abilities, and attitudes of a professional police officer and the ability to communicate those effectively with a probationary officer.
- 4-3800.4** The Field Training Officer shall present a positive role model for the probationary officer by maintaining a professional demeanor, appearance, adherence to rules and regulations, and by projecting a positive attitude toward the department, program, job, and the probationary officer.
- 4-3800.5** The Field Training Program, which is 14 weeks in length, commences upon successful completion of Basic Recruit Training, or upon hiring, if the probationary officer is certified. The probationary officer will be assigned a Field Training Officer(s), who will document his/her performance by completing Daily Observation Reports using standard evaluation guidelines.
- 4-3800.6** The Field Training Officer(s) is responsible for making the initial recommendation of the probationary officer's training extension, termination, or certification for solo patrol. The decision to terminate will be made by the Chief of Police, but it is the responsibility of the Field Training Officer(s) to bring the probationary officer's non-corrected performance and/or training deficiencies to the attention of the supervising sergeant and shift commander.

4-3900

4-3900 POLICE CHAPLAINCY PROGRAM

4-3901 PURPOSE AND GENERAL POLICY

The Eau Claire Police Department recognizes that its officers often confront unique problems. The Police Chaplaincy Program will strive to enhance the Eau Claire Police Department as a caring institution. The police chaplain shall assist officers who, in the course of their duties, encounter families in crises and other stressful situations. They will provide comfort, help, counseling, ministry, and spiritual guidance, to the citizens of Eau Claire and to department personnel and their families, if they desire.

4-3902 DEFINITIONS

4-3902.1 Police Chaplain Advisory Committee

The Police Chaplain Advisory Committee may be comprised of:

- Police Chaplain Liaison
- Deputy Chief of Police
- Supervisory/Command department member
- Police Officer
- Non-Sworn department member
- Head Police Chaplain
- Member at Large from the community

Members of the Police Chaplain Advisory Committee are appointed by the Chief of Police. The Police Chaplain Advisory Committee may be expanded as needed.

4-3902.2 Police Chaplain Liaison

The Police Chaplain Liaison shall be a sworn police officer appointed by the Chief of Police, who acts as an advocate for the Police Chief and chaplains when needed. He/She shall also make certain that the chaplains are trained properly under the direction of the Police Chaplain Advisory Committee. The Police Chaplain Liaison also serves as chair of the Police Chaplain Advisory Committee.

4-3902.3 Head Police Chaplain

A police chaplain who is appointed by the Chief of Police, upon recommendation of the Police Chaplain Advisory Committee, to serve in a leadership role within the Police Chaplain program. The Head Police

4-3900

Chaplain reports to the Police Chaplain Liaison and assists the Police Chaplain Liaison in administering the Police Chaplain program.

4-3902.4 Police Chaplain

A minister volunteer who is appointed by, and serves at the discretion of, the Chief of Police, upon recommendation of the Police Chaplain Advisory Committee.

4-3902.5 Field Service Ministry

Any time a chaplain is acting on behalf of the Eau Claire Police Department in their role as a police chaplain.

4-3903 QUALIFICATIONS FOR POLICE CHAPLAINS

Desire to serve as a police chaplain and be available to respond to situations where a chaplain's presence is indicated.

Be ordained, ecclesiastically certified, or endorsed by a recognized religious body.

Have a minimum of three (3) years service in ministry.

Demonstrate strong communication skills.

Be willing to be carefully screened by a law enforcement background investigation.

Be willing to become involved in training programs that enhance his/her skills in meeting and dealing with people in crisis.

Must never have been convicted of a felony or offenses involving moral turpitude.

Must possess a valid Wisconsin driver's license.

4-3904 SELECTION PROCESS

Submit letter of application.

Review of application for minimum qualifications.

Participate in a minimum of three (3) ride-alongs (two hours each) during a variety of shifts and with a variety of officers.

4-3900

Participate in an interview.

Submit to a background investigation.

Nomination of candidate for appointment.

Appointment by Chief of Police.

4-3905

STAFFING AND DUTIES

A Police Chaplain Advisory Committee will be responsible for the oversight of the Police Chaplain Program. The duties of the Police Chaplain Advisory Committee will include planning, organizing, and directing the Police Chaplain Program. The Police Chaplain Advisory Committee will review applications and nominate candidates for appointment by the Chief of Police. Under the direction of the Police Chaplain Advisory Committee, the Police Chaplain Liaison will be responsible for scheduling and training of the volunteer chaplains and will provide statistical reports to the Chief of Police, as necessary.

The Police Chaplain Program will consist of as many chaplains as are necessary to accomplish the goals and objectives of the program.

Police chaplains are volunteers who may be called to assist police officers in a variety of situations.

Care to department personnel, if desired, is an option available to a department member and is not a substitute for the Employee Assistance Program.

The police chaplains will be on a rotating call list. A primary chaplain on call will be designated. Preference for field service ministry is to be given to the primary chaplain on call, unless a chaplain is already available on a ride-along.

Police chaplains are encouraged to ride with officers. Chaplains may choose any shift and/or hours. Chaplains shall normally notify the Police Chaplain Liaison or on-duty shift commander at least 24 hours prior to a ride-along. During a ride-along, a chaplain will be considered available for service.

Police chaplains shall be issued an identification card signed by the Chief of Police.

4-3900

4-3906 FIELD SERVICE MINISTRY

The police chaplain may be called on to assist police officers in a variety of situations including, but not limited to, death notification, homicide/suicide cases, fatal or serious injury accidents, critical incidents, comfort to victims and families, line of duty injury or death, personal issues of department personnel, if requested, and visitation of sick or injured officers and their family members in the hospital.

The chaplains, while acting in the capacity of a chaplain, shall possess no law enforcement authority.

4-3907 NOTIFICATION OF THE POLICE CHAPLAIN

Request for a police chaplain for field service ministry shall be routed through a commanding officer when practical. Police officers are encouraged to request a chaplain as they deem necessary.

Employee contacts with a chaplain involving personal matters do not require notification of a supervisor.

4-3908 POLICE CHAPLAIN FIELD PROCEDURES

Police chaplains shall properly identify themselves. When performing their duties, they should bear in mind that they represent the Eau Claire Police Department, as well as their faith.

Police chaplains shall not interfere with officers in the performance of their duties.

When providing field services ministry, the chaplain should, when requested, notify the involved person's clergy as soon as practical. Upon requested clergy's arrival, the chaplain may defer to him/her.

A chaplain's report will be completed each time a chaplain makes a contact in a field services ministry.

Personal conversations between department personnel and police chaplains will not be documented.

Upon notification of the commanding officer, police chaplains may make follow-up calls. During these contacts, police chaplains may seek assistance from other police chaplains and/or request the assistance of a police officer. Any follow-up contacts shall be documented.

4-3900

Police chaplains may make proper referrals in those cases where specialized attention is needed.

Police chaplains shall not release any information to news media, insurance companies, or any other non-involved individuals. All requests should be referred to the commanding officer.

Police chaplains will familiarize themselves with basic police radio procedures.

Appropriate use of ministry tools, i.e., Bible, sacraments, is encouraged.

Police chaplains shall maintain all privileged communications to him/her as **confidential** (unless waived by the individual) or unless those communications affect the safety of that individual or others.

5-100.

5-100. NEWS MEDIA RELATIONS POLICY

5-101. General Policy:

A well-informed public is essential to the existence of a democratic nation. To effectively exercise his franchise, a citizen must be aware of current events and the state of government. A free press serves the public by supplying needed information, by stimulating thought and by providing a medium for expression.

Crime, its results and the efforts to combat it, are all matters of continuing public concern. The Department is regularly involved in events at which members of the news media are properly present and performing their task of gathering information.

The department actively seeks to establish a cooperative climate in which the news media may obtain information on matters of public concern in a manner which does not hamper police operations. However, certain information must be withheld from the news media in order to protect the constitutional rights of an accused, to avoid interfering with a Department investigation, or because it is legally privileged.

5-102. Policy Guidance for Inspection of Public Records and Documents:

The public has an abiding interest in law enforcement and in the activities of the department. The news media and members of the public frequently direct inquiries to the department to fulfill such requests; however, the decision to release information will be determined according to the facts of each case in accordance with the guidance contained herein.

5-102.1 Avoid Releasing Pretrial Publicity that may Tend to Diminish the Accused's Right to a Fair Trial.

The compelling public policy favoring right of an accused to a fair trial, free of prejudicial pretrial publicity, make "special consideration" of certain types of information contained in otherwise public police records mandatory before any of such information may be released to the public.

5-100.

The types of information listed in paragraphs one (1) through seven (7) below, if disclosed prior to trial, may tend to prejudice and thereby diminish the accused individual's right to a fair trial. The types of information withheld prior to trial to accommodate the accused's right to a fair trial may be available for release after final disposition of the case, unless other cogent reasons outweigh the public right of disclosure. However, certain information may be released prior to trial, including: the arrested person's name, age, residence, employment, marital status and similar background as well as the charge; information summarizing the offense or charge, such as listed on the court complaint, will be released, the circumstances immediately surrounding an arrest, including time and place of arrest, resistance, pursuit, and possession or use of weapons.

Consider the foregoing public policy reasons relating to pretrial publicity when weighing the consequence of releasing the following types of information prior to final disposition of the case. (Included in parentheses are additional, possible public policy reasons for retaining particular subject matter types of information which are not related to the public policy associated with "pretrial publicity" which may be separately considered.)

1. Statements as to character or reputation or criminal or arrest records of an accused person or prospective witness which, if made public, may tend to prejudice and thereby diminish the accused individual's right to a fair trial.

Possible Additional Reasons Not related to the "Pretrial Publicity" area of Public Concern.

- a. Public disclosure may unduly damage reputations.)
2. Admissions, confessions, or contents of a statement of alibi attributable to an accused person which, if made public, may tend to prejudice and thereby diminish the accused individual's right to a fair trial.
 3. The performance or results of any examination or laboratory tests or the accused's refusal or failure to submit to an examination or laboratory test which, if made public, may tend to prejudice, and thereby diminish the accused individual's right to a fair trial.
 4. Statements concerning the credibility or anticipated testimony of prospective witnesses which, if made public, may tend to prejudice and thereby diminish the accused individual's right to a fair trial.

Possible Additional Reasons Not Related to the "Pretrial Publicity" Area of Public Concern.

5-100.

- a. Possible witness harm or harassment
 - b. Possible interference with ongoing criminal investigation
5. The possibility of a plea of guilty to the offense charged or a lesser offense, or other possible dispositions of the case which, if made public, may tend to prejudice, and thereby diminish the accused individual's rights to a fair trial.
6. Opinions concerning evidence or argument in the case, whether or not it is anticipated that such evidence or argument will be used at the trial which, if made public, may tend to prejudice, and thereby diminish the accused individual's right to a fair trial.

Possible Additional Reasons Not Related to the "Pretrial Publicity" Area of Public Concern.

- a. Possible interference with ongoing criminal investigation.
 - b. Public disclosure may unduly damage reputation.
7. Opinions expressed by investigating officers which, if made public, may tend to prejudice, and thereby diminish the accused individual's right to a fair trial.

Possible Additional Reasons Not Related to the "Pretrial Publicity" Area of Public Concern.

- a. Possible interference with on-going criminal investigation
- b. Public disclosure may unduly damage reputation.

5-102.2

Persons Who May Consider Requests for Inspection

The following officers of this department will consider requests for the inspection of public records and documents in the custody of the department: Chief of Police, Assistant Chief, Captains of Police and Commanding Officers (as defined in the Manual of Policy, Regulations and Procedures). All information concerning policy and procedure will originate from the Chief of Police. Budget requests and logistical information will be released only by the Chief of Police. All comments referring to interdepartmental memos, orders and communications will originate from the Chief of Police.

Plans, personnel matters and prepared releases concerning specific news items will be released only by permission of the Chief of Police.

5-200.

5-200. LABOR RELATIONS

5-200.1 Position Statement

5-200.2 The Eau Claire Police Department and all departmental personnel shall reflect the position of complete impartiality with regard to labor management disputes.

5-200.3 No members of the department shall make any public statement which may be construed as preference, either in support or opposition, for either side in a labor dispute. Officers shall not accept gifts of any sort, including food or beverages from anyone involved in a labor dispute.

5-200.4 Police Officers should avoid unnecessary conversations with participants in labor disputes; such as pickets, company guards or other management or labor personnel, as this may give the impression of favoritism.

5-201 Respective Rights and Duties

5-201.1 The right to picket and disseminate information in a lawful and peaceful manner will be respected and protected. Picketing and information dissemination shall be restricted to those areas which are, or are considered to be public.

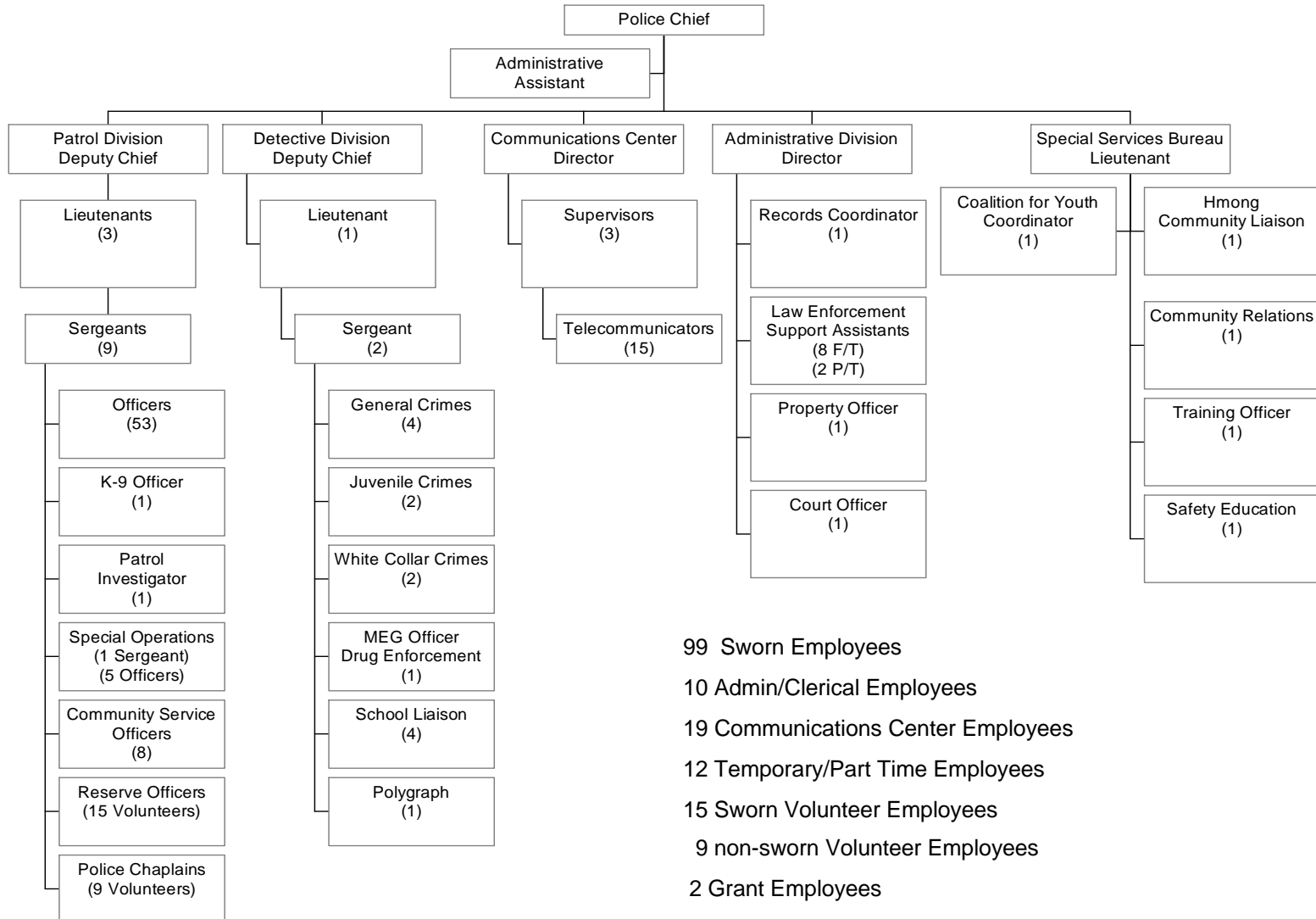
5-201.2 Picket lines shall not block public use of roads, sidewalks or public ways. All citizens shall be guaranteed access to picketed premises, free from violence or threats against them. Violence or threats of violence shall not be tolerated. Willful destruction or damage to property will not be tolerated.

5-201.3 The Police Department will undertake to acquaint both parties to the dispute with the department's policies as soon as possible after the start of a labor dispute. Both sides to the dispute should be encouraged to keep the police informed of their intended activities.

5-202 Enforcement

5-202.1 All felonies committed during labor disputes will be handled by arrest. Serious misdemeanors and ordinance violations will also be handled by arrest or by an "order in" when applicable. Enforcement of some minor offenses might lead to violence or greater hostilities. The enforcement of minor offenses will depend upon the discretion of the command/supervisory officer present.

Police Department



6-202

6-202 Police Weaponry

The purpose of this policy is to clarify what police weaponry are authorized to be carried on or off duty. Guidance on the safe use and handling of firearms is also offered.

6-202.1 Handguns

A. On Duty Officers

All officers, while on duty, shall carry a department issued weapon. Any deviation from this will require written permission from the Chief of Police.

B. Off Duty Officers

1. Off duty officers may carry a departmentally authorized weapon or a personally owned weapon, provided that qualifications, pursuant to policy 2-1829, are met.
2. No officer may carry a weapon while under the influence of an intoxicant or drug. Officers are reminded that if they initiate any police action they are subject to chemical screening policy 2-1900

C. Officers shall not carry more than one handgun unless authorized by the Chief of Police.

D. Only department issued or authorized service ammunition shall be carried on duty.

E. No modification, alteration, or installation of any part in any authorized firearm shall be made without the approval of a department armorer.

F. Officers who wish to purchase authorized weapons from private vendors, may obtain a letter from the Chief of Police, which confirms they are a police officer and that the weapon is for official use. Officers may have the weapon sent directly to the department, provided all costs are paid in full prior to shipment.

6-202

6-202-2 Holsters

While on duty, only departmentally authorized holsters shall be worn. Any deviations shall require the permission of the Chief of Police or their designee. Officers will qualify with holsters worn on duty.

6-202.3 Miscellaneous Weaponry

Equipment, from the weapon to the baton and pepper spray, are issued as tools to handle those persons who refuse to comply with verbal commands or are intent on harming an officer. Some positions on the Police Department expose officers to a greater possibility for having to use these tools than others. In all cases, the department expects that when an officer faces physical resistance; that they have available to them the tools that they have been issued in order to handle the situation at hand.

Recognizing that different job assignments create more or less exposure to resistive individuals, the following guidelines apply to the wearing of department issued equipment while on duty.

- A. Personnel assigned to uniformed duties whose function is primarily law enforcement, such as Patrol and the Patrol Investigator position, shall wear all issued equipment, including weapon, magazines, handcuffs, baton, and pepper spray.
- B. Personnel assigned to plainclothes duties whose function is primarily law enforcement, such as Detectives, Special Operations Officers, and Court Officer, shall wear department issued weapon, magazines, handcuffs, and a baton or pepper spray.
- C. Personnel, whether uniformed or plainclothes, whose primary function is not law enforcement, such as Special Services Bureau assignments and Property Officer, shall wear department issued weapon, handcuffs, and will have the option to carry a baton or pepper spray. Public Relations related positions are encouraged to be in full uniform while addressing the public during presentations. The Chief of Police may allow exceptions to personnel described in this section.

6-202

- D. Personnel who are being paid, but are working outside of their normal duties and are not identifiable as a police officer; such as during meetings, in-house training, attending school, or other functions where law enforcement is not the primary focus, will not be required to carry their weapon or other equipment.
- E. Officers who are in undercover assignments, where the carrying of police equipment would make working the assignment impossible, may be exempt from this policy with their Commanding Officer's permission.
- F. The use or carrying of any non-department authorized baton, sap, palm sap, sap gloves, firearm, ammunition, chemical agent, electric stunning device, or other similar equipment is prohibited.

6-202.4 Drawing A Weapon – Confronting Suspects

- A. A handgun may be removed from it's holster in the performance of duty under the following circumstances:
 - 1. When it is necessary to secure in a safe place or check on the serviceability of the weapon.
 - 2. At an approved range.
 - 3. When an officer reasonably believes that the potential for the authorized use of deadly force may exist.
 - 4. A handgun, when removed from it's holster, under any circumstances, will be drawn with the trigger finger outside the trigger guard.
- B. When confronting a suspect with a drawn handgun, the handgun will be in double action mode. The officer's finger will remain outside of the trigger guard until such time as an officer confronts a suspect under circumstances which reasonably indicate an imminent threat of death or great bodily harm.

6-202.5 Shotguns And Rifles

- A. Only shotguns and rifles issued by the department are to be used, unless otherwise authorized by the Chief of Police or their designee.

Effective Date 03-01-80
Revised Date 04-08-93
Revised Date 12-14-05

6-202

- B. Shotguns and rifles, transported in police vehicles, shall be secured in the mounting brackets provided, with actions uncocked, chamber empty, and the safety on.
- C. Officers using vehicles equipped with locking front seat mounting brackets shall be responsible for ensuring that the shotgun and rifle in their vehicle are serviceable and loaded properly.
- D. Shotguns and rifles may be removed from police vehicles and a round chambered only when an officer reasonably believes the potential for the authorized use of deadly force exists.
- E. Shotguns and rifles, transported outside of police vehicles within a department facility, shall be unloaded, with the action open and the safety on.

6-311.

6-311. OUTSIDE EMPLOYMENT

6-311.1 All police functions performed by members of the Eau Claire Police Department fall within the authority and responsibility of the Chief of Police and will remain under his/her control at all times. Police functions within the context of this section shall include regularly scheduled duty, overtime duty, i.e. callbacks for court, crowd control, work performed in any other official capacity and supplemental employment, previously referred to as off-duty employment.

6-311.2 All requests made by agencies, whether public or private, for commissioned personnel to be employed for supplement employment and to act in their capacity as police officers will be directed to the Chief or his/her designee will determine, in each case, the desirability of such employment and the conditions under which it will be performed. There will be no individual contracts for services. All employment, while functioning in the capacity as police officer, is prohibited unless specifically authorized by the Chief or his/her designee.

6-311.3 The assessment of supplemental employment requests will be made on an individual basis. However, in no case shall supplemental employment be considered where:

- A. A labor dispute is involved.
- B. The sale of intoxicating beverages is involved.
- C. The employer would, in any way, restrict the officer from performing his/her duty as a police officer.
- D. The officer would be involved in pictures or advertising, endorsing commercial products while he/she is identified as an Eau Claire Police Officer.
- E. The reputation of the department would suffer by having a police officer employed there.
- F. Employment is outside the city and requires a uniform (except under mutual aid agreements).

6-311.

6-311.4 Equipment Provision

Officers may request to use departmental equipment (i.e. radios) when assigned to a supplemental employment activity. The patrol shift commander shall review the request and determine the availability of the equipment requested, and the requesting officers' need for the equipment. The patrol shift commander may or may not authorize the use of departmental equipment, dependent upon circumstances relating to the request.

6-311.5 Applicability of Department Policies, Regulations and Procedures

Officers assigned supplemental employment will at all times conduct themselves in a manner consistent with all department rules and regulations and befitting the position of a police officer. All departmental regulations, policies, and procedures apply to supplemental employment (any breach of propriety will be considered in the same light as it would be if it had occurred while the officer was on regularly assigned duty at the department).

6-311.6 As a city employee, you may hold a job with another organization as long as you satisfactorily perform your job responsibilities with the city. You will be judged by the same performance standards, and will be subject to the city's scheduling demands, regardless of any existing outside work requirements.

If it is determined that your outside work interferes with performance or the ability to meet the requirements of your job with the city, you may be asked to terminate the outside employment if you wish to remain employed with the city.

If you wish to obtain outside employment, you must obtain prior written approval from your department director and the city manager by completing a "Request for Approval of Outside Employment" form. The form must be submitted to the department director at least 24 hours before starting outside employment. The form is available in the Chief's secretary's office.

6-320.

6-320. CIVIL ACTIONS INVOLVING POLICE DEPARTMENT EMPLOYEES

6-320.1 Procedure

Should any employee of this department receive notice naming them as the defendant in any action or special proceedings stemming from any act or omission on his part while functioning in his official capacity or arising out of his employment by the city, the following procedure shall be taken by that employee.

1. A written report shall be submitted to the Chief of Police advising him of the pending action and requesting legal counsel. The notice of the action received by the employee must accompany the chief's copy of the report. The notice will then be forwarded to the City Attorney. It is very important that this procedure be implemented promptly upon receipt of the notice by the employee.
2. Section 895.46 Wisconsin Statutes has been amended and now provides that failure by the officer or employee to give notice to his department head of action or special proceeding commenced against him as soon as reasonably possible shall be a bar to recovery by the officer or employee from the state or political subdivision of reasonable attorney's fees and costs of defending the action. Such attorney's fees and expenses shall not be recovered if the state or political subdivision offers the officer or employee legal counsel and such offer is refused by the defendant officer or employee.

6-320.2 Obligation of the City

Wisconsin Statutes 62.115, 895.35, 895.43 and 895.46 sets forth the obligations of the city to its employees. Section 895.46 Wisconsin Statutes provides that the city will be responsible for all judgments against its employees providing that said employee is shown to be acting within the scope of his employment.

6-320.3 Employee Initial Actions

Any employee initiating civil action relating to his/her official capacity shall notify the Chief of Police, in writing, prior to the filing of such action.

6-330.

6-330. EMPLOYEE ASSISTANCE PROGRAM

6-330.1 General Policy Statement

The department recognizes that a wide-range of problems, although sometimes not directly associated with one's job responsibilities, can have an adverse effect on an employee's job performance, and that such problems may be a result of stress experienced in the course of employment. In most instances, employees overcome such personal problems independently and the effect on job performance is negligible. In other instances, normal supervisory assistance will serve either as motivation or guidance by which such problems can be resolved so that an employee's job performance returns to an acceptable level. In some cases, however, neither the efforts of the employee nor the supervisor have the desired effect of resolving the employee's problem and unsatisfactory performance persists over a period of time, either constantly or intermittently.

We believe it is in the interest of the employee, the employee's family and the department, to provide employee services which deal with the problems of alcoholism, other drug abuse and personal problems. The purpose of this policy is to assure that employees experiencing any of these illnesses receive the same careful consideration and offer of treatment that is presently extended to employees having any other illnesses.

Similarly, we recognize that an employee's job performance may also be affected when a member of their family is afflicted with alcoholism, other drug dependency, or emotional problems. In that interest, we extend the same offer of information, referral, and assistance to employee's immediate family members.

The illnesses of alcoholism, other drug dependencies, and emotional disorders will receive financial benefits and insurance coverage in accordance with our established employee benefit plans or relevant statutory provisions.

6-331. The behavior-medical problems dealt with in this policy are defined as follows:

6-331.1 Alcoholism: A chronic and progressive illness manifested in repeated and uncontrolled drinking of alcoholic beverages in excess of dietary and social uses. Alcoholism is characterized by dependence on the drug alcohol, to the extent that it interferes with the employee's health, safety and/or job performance. (See Chemical Screening Policy 2-1900.)

6-330.

- 6-331.2** Other Drug Dependency: A condition produced by the repeated use of a drug and characterized by a psychological and/or physiological dependence to the extent that it interferes with the drug user's health, safety and/or job performance. (See Chemical Screening Policy 2-1900.)
- 6-331.3** Emotional Illness: An emotional condition characterized by thoughts and actions which are unrealistic, irrational or inappropriate to the extent that it interferes with the individual's health, safety and/or job performance.
- 6-331.4** Other Personal Problems: Problems which interfere with the individual's health, safety and/or job performance, such as marital, family, financial, legal or emotional problems.

6-332. Procedure

The department recognizes that the behavior-medical problems of alcoholism, other drug dependency and emotional illness are highly complex illnesses that can be successfully treated.

It is recognized that the social stigma often associated with alcoholism, other drug dependency and emotional illness has no factual basis. It is believed that an enlightened public attitude and a realistic acceptance of these behavioral-medical problems as illnesses will encourage employees who suspect that they may have such an illness, even in its early stages, to take advantage of the diagnostic, counseling, or treatment services available in their communities. Therefore, it is the policy of the department to handle such problems within the following framework.

- 6-332.1** Implementation of this policy should not require, or result in, any special regulations, privileges, or exemptions from the standard administrative practices applicable to job performance requirements.
- 6-332.2** The department believes that supervisory use of this program should be based on confronting the employee with unacceptable job performance criteria.
- 6-332.3** It shall be the option of the employee to either accept or reject referral for diagnosis of professional treatment. The department encourages employees to seek help on their own initiative and nothing in this policy negates that right.
- 6-332.4** The fact that an employee accepts, rejects, or fails to respond to treatment for alcoholism, other drug abuse, or other personal behavior-medical problems, in no way diminishes the employee's responsibility to meet required job performance standards.

6-330.

- 6-332.5** It will be the responsibility of all management and supervisory personnel, in cooperation with employee groups to follow procedures which assure employees with behavioral-medical problems that their job security or promotional opportunities will not be jeopardized by a request and/or referral for diagnosis and treatment.
- 6-332.6** All records on employees referred and actions taken under this program are to be maintained in the strictest of confidence. No reference of same are to be placed in the employee's official personnel folder (except as they apply to specific charges leading to disciplinary or adverse actions).
- 6-332.7** Discussion and speculation about an employee's suspected personal problems which betrays personal information expressed to superior or fellow officers can have the effect of creating gossip and rumor within the department. Such communications are contrary to the intent of the Employee Assistance Program and will certainly undermine the confidence that employees must have if the program is to be effective.
- 6-332.8** The Director of Human Resources, as Employee Assistance Officer, is responsible for coordinating the program, interpreting the program, and providing information services.
- 6-332.9** A designated employee assistance coordinator is responsible for implementing the program by making employee assistance a well conducted and useful program through referrals to proper community resources for counseling and treatment.

6-400.

6-400. EDUCATIONAL OPPORTUNITIES

6-400.1 A goal of the department is to provide every opportunity for continuing education for its members. The department recognizes a changing society mandates a professional police model and career development for its members.

It shall be the policy of the department to adhere to the selected school's entrance prerequisites prior to selection of a department member to attend.

Additionally, the department shall give proper consideration to other criteria essential to the selection of a school and subsequent assignment therein, including:

- a. Department and/or personnel needs.
- b. Financing.
- c. Staffing requirements.

6-400.2 The department recognizes not all members may participate in each area of interest to them, therefore, the following procedure is adopted to assist in the selection process.

6-400.3 The Chief's Staff shall review available data pertaining to selected programs and recommend personnel to the Chief of Police for appointment to said program. Such recommendations shall be based on the following considerations:

- a. Officer assignment and duties.
- b. Educational levels achieved.
- c. Initiative.
- d. Aptitude.
- e. Performance evaluation.
- f. Seniority.

6-400.4 The Chief's Staff may or may not make the recommendations in numerical order, however, written explanations of selections are encouraged.

6-400.

- 6-400.5** When possible the Training Officer shall post or otherwise make known the availability of acceptable programs including entrance prerequisites. Interested, qualified personnel may submit a report to the Training Officer requesting consideration for appointment.
- 6-400.6** When an individual becomes aware of the availability of a program, not known previously, or in a timely manner by the department, such requests should be directed to the officer's immediate supervisor.
- 6-400.7** Nothing in this policy shall preclude the authority of the Chief of Police from making appointments in the best interest of the Department.

6-500.

6-500. COMPLAINTS AND COMPLAINT DISPOSITION

6-501. Foundation Statement

Public confidence is maintained by the ability of the department to investigate and properly adjudicate complaints against its members. The department accepts complaints against its members and those which concern its policies or procedures, and fully investigates all such complaints to the appropriate disposition.

6-501.1 Police effectiveness, in coping with crime, depends heavily on citizen cooperation.

6-501.2 The authority vested in the police, under a system of government in which authority is restricted, renders the police function among the most sensitive and important.

6-501.3 Citizen complaints, especially if they take on a pattern, often serve as an effective means to identify problems and the measures required to remedy them.

6-502.1 Each member of the department has the responsibility to see that a complaint, on being initially expressed, is received and handled in the prescribed manner.

6-502.2 A thorough investigation will be made of each complaint and shall be in keeping with the current best investigative practices of the police service.

6-503. Complaint Procedure

6-503.1 Complaints Against Department Policies, Regulations and Procedures

These matters are to be referred in writing directly to the office of the Chief of Police by the employee receiving the complaint.

6-503.2 Complaints Against a Member of the Department by a Citizen

This procedure will be used in those cases where the alleged conduct, if true and substantiated, could result in disciplinary or other corrective action.

- a. Any member of the department receiving a citizen complaint shall refer the complainant to the detail commander, or, if on duty, to the employee's commanding officer.

6-500.

- b. The detail commanders shall notify the commanding officer of the employee allegedly involved, as soon as possible, if the employee is not under his/her command.
- c. The commanding officer of the employee involved or an assigned investigator is responsible for the investigation of citizen complaints.
- d. Upon being contacted by a citizen who has expressed concern about the behavior of an employee, the commanding officer of the employee involved should advise the complainant that the investigation of the complaint may, at the decision of the complainant, proceed in one of the following ways:
 - (1) The complaint may be handled informally to the satisfaction of the complainant and the employee involved by the commanding officer, or, if the commanding officer believes it appropriate, by the immediate supervisor of the employee involved. In the latter event, the commanding officer retains overall responsibility for the resolution of the complaint.
 - (2) The complainant may sign a verified complaint which contains a written description of the involved incident, and indicates what behavior of the officer the complainant believes was inappropriate. After the written complaint is duly sworn to by the complainant before an official authorized to administer oaths (e.g., a Notary Public) and has been notarized, the commanding officer is responsible for obtaining signed question-and-answer statements from all persons involved, unless this requirement has been waived by the Division Head.
 - (3) The complainant may take his/her complaint against a commissioned employee directly to the Board of Police and Fire Commissioners as provided in Wisconsin Statutes 62.13.
- e. If a verified complaint is received, the commanding officer shall notify the office of the Chief of Police and receive a complaint number (if the complaint was not forwarded from that office) and inform the office that he/she is investigating a citizen complaint, the nature of the complaint and the employee or employees allegedly involved. The "Form Required for Attestation and Notary" which is included in this policy should be part of each verified complaint received.
- f. Wisconsin statute 946.66 (False complaints of police misconduct) provides for a penalty of up to a \$10,000 forfeiture for making a false complaint on the conduct of a law enforcement officer.

6-500.

- g. The Chief of Police may, at any point in this procedure, re-assign responsibility for the investigation from the Commanding Officer to other personnel, bureaus, or agencies as deemed appropriate.

6-503.3 Complaints Against a Member of the Department by Another Member

- a. Since verbal or written communications are subject to 2-1819 and 2-1820 (deals with truthfulness) no formal verification of the complainant will be required.
- b. Upon reaching the employee's commanding officer, an informal resolution of the complaint to the satisfaction of all parties involved is permitted.

6-503.4 The Investigation of Complaint Against a Member of the Department by a Citizen or by Another Member of the Department

- a. Commanding officers or investigators assigned under 6-503.2(f) are responsible for the investigation of conduct coming to their attention regarding violations of policy, procedures, law or orders by members of the department.
- b. Complaint numbers are not needed for investigating internal disciplinary matters, not involving a citizen complaint.
- c. Investigative procedures shall be in keeping with the best current practices of the police service.
- d. During an interview with an employee, the employee is entitled to representation if requested and if the employee has reasonable grounds to believe that the interview may be used to support disciplinary action against him/her.
- e. The commanding officer or assigned investigator shall conduct a complete investigation within thirty (30) days of the receipt of a citizen's verified complaint unless an extension of this time for good reason is granted by the Chief. Investigations of internally generated complaints should be conducted within a reasonable period of time. In the event that a complaint involves employees of different divisions, bureaus or sections, the respective commanding officers will conduct a mutual investigation of the involved incident and submit a mutual report to the Chief of Police. No later than thirty (30) days after a verified complaint has been made, the commanding officer or assigned investigator shall notify the employee in writing of the charges, if any, and send a copy of all investigative materials to the

6-500.

Chief of Police. The commanding officer shall forward the report of the investigation with his/her conclusions of fact and shall indicate whether or not disciplinary action is warranted to the Chief of Police.

- f. When a complaint is associated with an investigation or case pending before another jurisdiction, the department's role will be reviewed by the Chief of Police before proceeding. If the Chief decides to temporarily abate a complaint investigation, the complainant will be so notified; however, the fact that charges may be pending against a complainant or an employee shall not be allowed to affect the acceptance of a complaint.
- g. After a review of the investigation and predetermination hearing with the employee, conducted by the Chief or his/her designee, the Chief of Police may take disciplinary action.
- h. A copy of the final disposition of any disciplinary action shall be placed in the employee's personnel file (not to include documented verbal warning 6-603.2)
- i. Reports in response to citizen complaints which are labeled "unfounded" or "unsubstantiated" shall state in the body thereof:

"The foregoing is not a finding, in and of itself, that a police officer has engaged in misconduct. Any recommendations made to the officer herein do not constitute discipline or a finding of misconduct."

- j. A police officer or officers involved in a final written report in response to a citizen complaint may request and receive a copy of the final report. The City will notify the officer who is the subject of the initial citizen complaint that the report is completed at the time the final report is filed.
- k. As necessary for closure, complainants shall be notified of the outcome of complaints they have initiated.

6-504. Nothing in these disciplinary rules shall be construed to limit the management prerogative of the Chief of Police or any other supervisory officer to take corrective action whenever appropriate, nor to prevent the Chief from filing formal charges against a commissioned officer with the Board of Police and Fire Commissioners, irrespective of any complaint.

6-500.

- 6-505.** If the conduct charged could constitute a criminal violation, if substantiated, the department shall, after consulting the City Attorney, proceed with the filing of criminal charges by notifying the District Attorney's office and obtaining the issuance of the appropriate criminal complaint.
- 6-506.** Members of the department are directed to follow the procedures established in this policy and to cooperate with the investigation process. Failure to do so may result in disciplinary action.

6-600.

6-600. ADMINISTRATION OF DISCIPLINE

Discipline has as its immediate purpose the channeling of individual effort into effective and productive action. Discipline can be positive or negative; it may involve encouragement, inspiration, training, or imposition of negative sanctions. The exercise of effective discipline requires foresight and planning rather than mere reaction. It involves an evaluation of the human factor which, when combined with proper training, motivation, and recognition of individual and group effort, results in self-discipline.

Departmental policies, procedures, rules, and regulations are established to provide a source of educational information. It is intended that this educational information be used to aid all members of the department by providing guidance for behavior.

Disciplinary measures may include recognition or corrective action. In either case, the desired result is the reassurance of employees regarding outstanding performance or the limits of acceptable conduct. In each case, care must be exercised to make the proper choice in obtaining a desired and just result.

The administration of discipline, whether recognition or corrective action, is a primary responsibility of supervisory personnel. In the administration of discipline, a supervisor should consider all circumstances surrounding events leading to recognition or corrective action. Any action decided upon should lend itself to the attainment of department objectives.

6-601. These guidelines describe the usual forms of recognition and corrective action but do not preclude alternative measures in the administration of either. They are in addition to standing policies 6-500 and 2-1800.

6-602. RECOGNITION

The following guidelines are established for the recognition of noteworthy efforts by citizens or members of the department.

Revised Date 03/05/90
Revised Date 10/11/93
Revised Date 03/29/04

6-600.

6-602.1 LETTERS OF APPRECIATION

A letter of appreciation recognizes individuals outside of the department for noteworthy actions on behalf of the department or community.

- A. A letter of appreciation may be suggested by any member of the department.
- B. A letter of appreciation may be written by any supervisor, on department letterhead, for review and approval by the Chief of Police or his/her designee.
- C. Letters of appreciation may be signed "For the Chief of Police," by the supervisor writing the letter or may be signed directly by the Chief of Police.

6-602.2 LETTERS OF RECOGNITION

A letter of recognition recognizes noteworthy actions or job performance by departmental employees. Letters of recognition may take one of two forms:

- A. A formal letter of recognition may be prepared by any supervisor and shall be completed on department letterhead for review and approval by the Chief of Police or his/her designee for inclusion in a personnel file.
- B. Informal recognition may be prepared by any supervisor (typed or handwritten) and shall be directed to the division head of the affected employee for distribution through the chain of command. Such memoranda may spur a formal letter of recognition or letter of commendation upon further review by the receiving supervisor.

6-602.3 LETTERS OF COMMENDATION

A letter of commendation recognizes extraordinary actions on the part of departmental employees.

- A. Such letters shall be prepared on departmental letterhead and shall be signed by the Chief of Police.

Revised Date 03/05/90
Revised Date 10/11/93
Revised Date 03/29/04

6-600.

- B. Recommendations for a letter of commendation may be forwarded by any supervisor for consideration through the chain of command (copy to the Chief of Police).
- C. Justification for such commendation shall be included with the request.
- D. Letters of commendation are the highest level of recognition offered by the department and as such, shall only be recommended in cases of extraordinary performance.

6-603.

CORRECTIVE ACTION

The following guidelines are established for the consistent application of corrective action within the department. While listed progressively, the seriousness of a violation may justify initiation of corrective action at any of the defined levels. Refer to Policies 6-500 and 2-1800.

- A. Consultation in the supervisory command chain, up to and including the Chief of Police, is encouraged whenever the seriousness of the offense may warrant corrective action other than a verbal warning.
- B. At all levels of corrective action, emphasis must center on what can be done to correct behavior, as well as informing the employee that additional violations can lead to progressive corrective action (See Policy 2-1800).
- C. Nothing in these guidelines is intended to preclude a supervisor from the accepted responsibility of observation, guidance, and training of an employee.

6-603.1

INFORMAL CONTACT

An informal contact can be used to address minor infractions or policy violations that, at a supervisor's discretion, do not require a documented verbal warning or other action, and are not in and of themselves discipline.

Revised Date 03/05/90
Revised Date 10/11/93
Revised Date 03/29/04

6-600.

- A. Informal contacts are to provide notice of minor infractions and corrective suggestions as needed.
- B. Informal contacts may be noted by supervisors and may be included in subsequent documentation if progressive discipline becomes necessary.

6-603.2

DOCUMENTED VERBAL WARNING

A documented verbal warning can be used to correct minor infractions or policy violations.

- A. The written documentation of a verbal warning should be timely, but not necessarily immediate.
- B. It will be presented to the employee by two supervisors and be documented on the Documented Verbal Warning form (see attachment A).
- C. Documented Verbal Warnings are to be forwarded to the Chief of Police or his/her designee.

6-603.3

WRITTEN WARNING

A written warning can be used to correct an infraction or policy violation which is of a more serious nature or recurring minor infractions.

- A. Any supervisor has the authority to initiate a written warning. Before the presentation of a written warning to the employee, the draft shall be reviewed by the division head, with final approval by the Chief of Police or his/her designee.
- B. Upon approval by the Chief of Police or his/her designee, the written warning will be presented to the employee by two supervisors. A copy of the written warning and investigation is to be forwarded to the Chief of Police or his/her designee for placement in the employee's personnel file.

Revised Date 03/05/90
Revised Date 10/11/93
Revised Date 03/29/04

6-600.

6-603.4 LETTERS OF REPRIMAND

A letter of reprimand can be used to correct policy violations of a more serious nature and/or repeated violations of less serious infractions.

- A. A request for a letter of reprimand can be initiated by the employee's supervisor, commanding officer, or division head.
- B. A letter of reprimand will be prepared under the direction of, and signed by, the Chief of Police or the Chief's designee.
- C. A letter of reprimand shall be delivered by the Chief of Police. A letter of reprimand should include notice that a copy will be maintained in the employee's personnel file.

6-603.5 SUSPENSION

Suspension shall be dealt with by the Chief of Police.

In some instances, a supervisor or commanding officer may deem it necessary to take immediate action. In those instances, the Chief of Police or his designee must be notified immediately, or as soon as practicable.

6-603.6 TERMINATION

Termination shall be dealt with by the Chief of Police.

6-600.

ATTACHMENT A

**DOCUMENTED VERBAL WARNING
EAU CLAIRE POLICE DEPARTMENT**

NAME: _____

DATE OF INCIDENT/EVENT: _____

TIME OF INCIDENT/EVENT: _____

BASIS FOR WARNING:

OTHER COMMENTS/ACTIONS:

CORRECTIVE MEASURES SUGGESTED:

SUPERVISORS/OTHERS PRESENT:

COMPLETED BY: _____

DATE: _____

TIME: _____

* NOTE: Additional violations can lead to further discipline,
up to and including termination.

EMPLOYEE'S SIGNATURE: _____

DATE: _____

Revised Date 03/05/90
Revised Date 10/11/93
Revised Date 03/29/04

6-700.

6-700. VEHICULAR SAFETY

General Purpose

The intent of the following policy and procedural guidelines is to provide department personnel information relating to the purpose of the department's Vehicle Safety Program as well as the role of the Safety Review Board.

6-701. POLICY STATEMENT

Department personnel are responsible for operating police vehicles in a safe and prudent manner that projects a professional image of the department.

Department personnel shall notify the Communications Center and his/her supervisor of any accident, damaged vehicle or suspected damage to any vehicle being operated by authorized personnel or otherwise involved, (unattended) privately owned, but authorized for official departmental use.

6-702. DEFINITION OF TERMS

6-702.1 PREVENTABLE ACCIDENT

An accident in which the operator failed to initiate proper avoidance action he/she could have done to prevent it.

6-702.2 REPORTABLE ACCIDENT

Any accident involving a department vehicle or authorized private vehicle involving any employee while the operator is acting within the scope of his/her duties.

Where there is no apparent damage to vehicles or objects struck, the Commanding Officer or his/her designee will have the option of having either an investigation report or State accident form (MV4000) completed by the officer involved or assigned to the case.

6-702.3 DAMAGED VEHICLE

Any damage sustained as a result of vandalism or an "Act of God"; i.e., tree limb falling on vehicle, etc.

6-700.

6-703. DUTIES OF AN EMPLOYEE INVOLVED IN AN ACCIDENT

- 6-703.1** Notify the Commanding Officer and the Eau Claire Communications Center immediately upon being involved in the accident, if possible. A case number and time should be initiated.
- A. Assist the injured and protect the scene until you are relieved of said responsibilities.
 - B. Cooperate with the investigation of the accident.
 - C. Appear as directed before the Safety Review Board to review the facts relating to the accident you were involved in.
 - D. Should the employee disagree with the findings of the Safety Review Board, he/she can appeal the findings.
 - 1. Appeals are to be directed to the Chairperson of the Safety Review Board for consideration.

6-704. COMMANDING OFFICER'S RESPONSIBILITIES IN DEPARTMENTAL REPORTABLE ACCIDENTS

- A. Personally direct or assign the investigation of all vehicular accidents involving police department vehicles and personnel.
- B. Notify the Chief of Police as soon as possible in the event that an employee is involved in a fatal or serious personal injury accident.
- C. Complete and submit Accident Analysis Reports to the Chief of Police (see Attachment A).

6-705. SAFETY REVIEW BOARD, OBJECTIVE OF

The objective of the Safety Review Board is to promote the safe and professional operation of police vehicles by reviewing facts relating to accidents and by making recommendations as to prevent future incidents under similar circumstances.

6-705.1 SAFETY REVIEW BOARD ORGANIZATION

- A. Sworn officers, Supervisors, and the Committee Chairperson, will be appointed to the Board at the discretion of the Chief of Police.

6-700.

B. The Board should consist of the following:

1. Three Supervisors, with no more than two of the same rank.
2. Two sworn Police Officers.

6-705.2

DUTIES OF SAFETY REVIEW BOARD CHAIRPERSON

1. Schedule Safety Review Board Meeting within two weeks of accident. Adjustments are discretionary giving consideration to factors that may be cause of delay.
2. Notify personnel involved.
3. If board members are absent, allow for substitution of member of equal rank (if possible).
4. Conduct Board meetings.
5. Secure a ruling of preventable or non-preventable accident.
6. Vote only to break a tie.
7. Submit the Board findings and recommendations to the Chief of Police within five working days of the Board Meeting.
8. Notify the individual of the Chief's findings.
9. Appeals will be forwarded to the Chief of Police if the Chairperson or the Safety Review Board is unable to resolve the appeal.
10. Handle all administrative functions of the Board.
11. Maintain a file on all department vehicular accidents.

6-705.3

DUTIES OF SAFETY REVIEW BOARD MEMBERS

1. Report at the time and place designated by the Board Chairperson.
2. Consider all facts in each case.
3. Vote on the decision of preventability or non-preventability.
4. Maintain confidentiality of deliberations, giving consideration to equitable treatment and maintenance of credibility.
5. Reconsider all appeals in the same manner.
6. Utilizing the following guidelines make recommendations for action based upon each incident to the Chief of Police.

6-700.

- A. Cite an employee for any violation of Chapter 346, Wisconsin Statutes, if the Safety Review Board determines that a violation has been committed.
- B. As an alternative to citing on a chargeable accident, recommend one or more of the following.
 - 1) Issue a warning.
 - 2) Recommend that no action be taken.
- C. In cases where the Board recognizes the possibility of a violation of policy exists, that case will be forwarded to the Chief of Police without comment or recommendation by the Board, however, the Board will cite the perceived departmental rule/regulation infraction to be considered.
- D. For a non-chargeable, preventable accident recommend that the officer's Commanding Officer discuss ways to improve the officer's driving habits and that the Commanding Officer shall file a written summary of the discussion with the Chairperson of the Safety Review Board, in a timely fashion.
- E. In addition to, or as a substitute for, any of the above actions, recommend the employee's attendance at a driver training school or other action deemed appropriate for safety improvements.

6-800.

6-800. INFORMATION AND COMMUNICATION SYSTEMS

6-800.1 A. Intent

The intent of this policy is to provide personnel of the Eau Claire Police Department with guidelines for the authorized, proper and professional use of the department's information and communication systems.

6-800.2 B. Definitions

1. Information System
 - a. All department computer equipment, software and data entered, maintained, transmitted or intentionally received on this system.
2. Communication System
 - a. Telephone, voice mail and facsimile (FAX) devices
 - b. Electronic Mail (e-mail) systems
 - c. Voice and video recorders and players
 - d. Radio and paging systems
 - e. Any other electronically generated or enhanced communication equipment
 - f. Any data entered, maintained, transmitted or intentionally received on the systems.

6-800.3 C. Conditions for Information/Communications Systems Use

1. Any message, business or personal, that is entered, maintained, transmitted or intentionally received in the information or communication system may be subject to the **Wisconsin open records law** and subject to disclosure under the provisions of that law. In light of this accessibility, department personnel shall hold no expectation of privacy when using the information or communication systems for business or personal messages.
2. Messages entered, maintained, transmitted or intentionally received in the information or communication system are the property of the Eau Claire Police Department. The Department retains the right to access, examine and disclose the contents of such messages at any time.

6-800.

6-800.4 D. Prohibited Actions

1. It is a violation of Eau Claire Police Department policy for any employee to engage in the following conduct on the information or communication systems:
 - a. To seek personal gain, including but not limited to solicitations, junk mail or “for profit” messages.
 - b. To engage in unlawful activities.
 - c. To use of abusive or obscene language in any messages including any internal or external e-mail messages and Internet communication.
 - d. To engage in behavior that is a violation of any Eau Claire Police Department policy or procedure, including but not limited to harassment.
 - e. To engage in conduct that could cause unnecessary congestion or disruption of the system.
 - f. To threaten or intimidate a person.
 - g. To send images that contain nudity or to send images or words of a lewd or sexually suggestive nature, even if the recipient has consented to or requested such material.
 - h. To send jokes or comments that tend to disparage a person or group because of race, color, ethnic ancestry, national origin, religion, gender, sexual orientation, marital or parental status, age, verbal accent, source of income, physical appearance or agility, mental or physical disability or occupation.
 - i. To disseminate classified, confidential, sensitive, proprietary or private information to unauthorized persons or organizations.
 - j. For any unauthorized access to remote systems, sharing or receiving of password information, copying of system files or copyrighted materials.
 - k. For unauthorized attempts to access secured files or to delete, examine or modify files or work product belonging to others.

2. Exception

Materials prohibited in 6-800.4 may be used when they are a legitimate element of an official investigation.

6-800.

6-800.5 E. Safety

Although the use of mobile computers in cars can be an effective investigative tool, the inherent safety concerns are obvious. If it is necessary to use the computer while driving a vehicle, the operator must use the equipment in a safe and prudent manner so as to be attentive to the safe operation of the vehicle. This safety caution applies to all accessory equipment within a police vehicle. (Ref. 6-701. - Vehicular Safety)

6-900.

6-900. HUMAN IMMUNODEFICIENCIES VIRUS/BLOODBORNE PATHOGENS

6-900.1 Human Immunodeficiency Virus is a rapidly growing epidemic; however, prudent precautions can reduce the spread of the virus. This policy has been developed so that this agency may manage those things that we can reasonably predict will occur in the performance of our duties and protect departmental personnel from unnecessary exposure to the virus.

6-900.2 Police personnel routinely come into contact with members of the public. At some point, it is predictable that police officers will come in contact with a person who has an infectious disease such as HIV or Hepatitis B. There are documented instances where HIV has been contracted by handling of blood samples with ungloved hands (particularly where skin disorders have left broken skin), splashing of contaminated blood into the mouth and nose or piercing of the skin with a contaminated needle.

As a result, extreme caution should be exercised by police personnel and the following procedures shall be utilized when dealing with blood, items stained with blood or other bodily fluids. _____

6-900.3 Infectious Disease Precautions

- A. Discretion should be used by officers to limit their exposure to contagious diseases.
- B. Protective disposable gloves and other infectious disease control materials should be used by officers to prevent transmission of contagious diseases. Direct contact with blood and other bodily fluids should be avoided whenever possible. Disposable gloves will be made available by the Department, and officers should seek replacement of these gloves as the need arises.
- C. Officers shall not eat, drink or smoke at crime scenes where bodily fluids are present or other contagious factors exist.
- D. Officers should be aware that certain prescribed medications suppress their immune systems and make them more susceptible to infectious disease. Officers should consult with their private physician if they are taking prescription drugs.

6-900.

6-900.4 Infectious Disease Training

The Training Officer will be responsible for disseminating updated information to Department personnel.

6-900.5 While it is not practical to wear protective clothing at all times, it will be made available to officers when there is advance notice of body fluids present at a crime scene.

CPR masks will be issued to each officer and disinfectant wipes to clean the masks are available at the department. If needed, the Eau Claire Fire Department can be contacted to disinfect an officer who comes in contact with body fluids.

A hand washing station at the police department laboratory will provide a general germicidal cleaner for use as each officer deems necessary.

6-900.6 Caution should be used when searching any person to prevent an accidental skin puncture by needles. Extreme caution must be used when conducting searches, particularly in those areas not easily seen.

6-900.7 After the completion of an assignment where rubber gloves and other protective items are required, they should be removed with caution, and disposed of in a plastic bag and the bag should be sealed. The plastic bag should then be disposed of in the garage at headquarters in the can with a lid marked "Contaminated Items".

6-900.8 Whenever it is necessary to transport a subject who has blood or bodily fluids present on his/her person or clothing, the supervisor shall be notified. When this situation presents itself, the back seat of the vehicle shall be covered with an emergency blanket. The blanket shall be disposed of according to 6-900.7. An ambulance should be summoned when transport is necessary to a health care facility. Subjects with blood or bodily fluids present on their persons should be transported separately from other subjects.

6-900.9 Officers have an obligation to inform other support personnel (firefighters, EMT's, jailers, etc.) whenever change or transfer of custody occurs and the person has blood or bodily fluids present on his/her person, or if the subject has made a voluntary statement that they have a contagious disease.

6-900.

- 6-900.10** Officers shall indicate in their Incident Reports when an arrestee has indicated that they have an infectious disease. It should also be indicated in the report when a person has blood or bodily fluids on their clothing. In such cases, interviews should be limited. Locations used within the department should be documented for decontamination purposes.
- 6-900.11** Any vehicle that has been soiled by any bodily fluid shall be taken out of service by the Commanding Officer. It should be documented clearly in the officer's report where the fluid stain is in the vehicle and what type of body fluid is present. Written notification shall be affixed to the driver's door window of the vehicle indicating that the vehicle is contaminated and is out of service. The Commanding Officer shall forward reports to the Day Shift Team, who will arrange for decontamination. The persons designated to clean the vehicle should be advised of what types of fluid are present so they can take the necessary precautions as well.
- 6-900.12** Evidence that contains or is covered with blood or bodily fluids should be handled with non-permeable gloves. If the stain or sample is dry, it should be placed in a paper bag. A proper evidence tag should be affixed to the outside of the package. If the evidence consists of a syringe and needle, the needle/syringe should be placed in a designated container supplied by the Property Officer. The evidence tag can then be affixed to the outside of this container. Liquid samples either should be collected as a liquid and stored in a bottle or if located on clothing or similar materials, should be air-dried and packaged as described above.
- 6-900.13** It is imperative that hands are always washed thoroughly with soap and water after handling items that are possibly contaminated. Hands should be washed even if gloves have been worn. In the absence of soap and water, the sterile wipes can be used.
- 6-900.14** Persons working in areas for extended periods of time where blood and other bodily fluids are present should wear anti-contamination clothes such as coveralls, masks, boot covers, goggles, and gloves.
- 6-900.15** Officers shall clearly mark on the front of the property card "POSSIBLE CONTAMINATED ITEM(S)" in those cases where body fluids are present on evidence or property.
- 6-900.16** Any clothing or evidence known to be contaminated with suspected HIV, Hepatitis B or other contagious diseases will be placed in a specified area and clearly labeled. Label in this manner "Known HIV", "Possible Hepatitis B", etc. All bloody clothing will be treated as being contaminated. All

6-900.

handling of bloody or body fluid soiled articles will be handled with gloves.

- 6-900.17** The Property Officer will be responsible to ensure that supplies such as rubber gloves, shoe covers, antiseptic wipes, etc., are available.
- 6-900.18** Line of duty exposures require documentation as soon as possible after the incident. High risk exposure incidents include exposures to body fluids, open wounds, chapped or non-intact skin, mucus membrane, CPR or receiving a cut or puncture wound from a needle, etc. When an officer is contaminated with body fluids, a supervisor will file an accident analysis report to accompany the officer's investigative report.
- 6-900.19** Any high-risk exposure (6-900.18) shall be treated as an on-duty injury requiring immediate medical attention. Officers who have been exposed to infectious diseases will be evaluated clinically and serologically for evidence of infection, after the exposure. This will be done through the employee's health care physician.

EVIDENCE POLICY

6-1004.1 Purpose Statement

The value of physical evidence in the solution of criminal investigations is widely recognized. As we continue to investigate the activities of the criminal element, the need to review, search out, and improve evidence procedures remains apparent. Proper detection, collection, and interpretation of evidence leads to thorough investigations and ultimately successful prosecutions. The requirement for consistent and effective evidence procedures prompts this policy.

To meet this purpose, guidelines for evidence processing are provided to properly detect, collect, preserve, and interpret evidence for the Eau Claire Police Department. These guidelines are found in the Physical Evidence Handbook produced by the Wisconsin State Crime Laboratory.

It is vital the integrity of the equipment, laboratory, storage facilities, and crime scene be maintained. Any breakdown creates the possibility for contamination and possible loss of material of evidentiary value.

6-1004.2 Classifications and Procedures

Crime scene can be classified into three groups:

A. Minor

A minor crime scene consists of any crime scene investigation which can effectively be handled in a timely manner by the officer assigned to the case. This includes evidence collection at the scene and the conducting of his/her normal investigation. Officers frequently respond to minor crime scenes (such as vandalism) where evidence is collected for later examination. In such cases, an evidence technician is generally not needed. It is the responsibility of the investigating officer to collect whatever evidence he/she deems necessary, which may include minor fingerprint processing and photographs. The determination of whether the crime scene can be handled in this manner is up to the investigating officer and/or their supervisor.

B. Intermediate

An intermediate crime scene is that type of scene investigation which involves multiple locations, a quantity of evidence too large for the investigating officer to deal with singly, or the need for the expertise of an

6-1004.

evidence technician is evident. In such cases, it is the responsibility of the assigned officer and his/her supervisor to determine what needs are to be met at the crime scene (equipment, number of technicians, materials).

C. Major

A major crime scene includes any scene involving death, serious injury, extensive property loss/damage, or other factors calling for the careful preservation of evidence. In such cases, the Commanding Officer should confer with the Detective Division supervisors on the nature of the case and evidence processing needs. Subsequent evidence collection/processing will be at the direction of on-scene supervisors.

6-1004.3 Department personnel shall maintain the crime scene in a safe and secure manner, collect all available evidence, accurately document and properly process evidence, and prepare reports for use in case prosecution.

6-1004.4 Resource

For "on-scene" procedures, refer to the Physical Evidence Handbook (5th edition or newer), issued by the State of Wisconsin Crime Laboratory and subsequent evidence protocols as they are produced and updated.

6-1005.

6-1005 HANDLING OF EVIDENCE, FOUND OR LOST PROPERTY AND CONTRABAND

6-1005.1 It shall be the position of the department that all property, contraband, or evidence that is collected by officers be placed properly in the designated property section of the organization.

6-1005.2 If a situation dictates that the property, contraband, or evidence is needed for further examination, evidentiary, or training purposes, the items will be duly signed out by the officer from the Property Officer.

Drugs or related narcotic material will be removed from the department's property room and/or other crime laboratory only for court, investigation, or destruction purposes and any deviation from this policy will require written permission from the Chief of Police. Violation of this directive may be cause for disciplinary action, up to and including dismissal.

6-1005.3 Marking of Evidence

The Evidence Handbook as provided by the Wisconsin Department of Justice, Crime Laboratory Bureau, is a useful tool in determining how and where to mark evidence properly; however, in some instances, you are advised to deviate from the general rule and use discretion. For example, such items as recovered firearms may be valuable antiques, or the proceeds of a burglary, and their unnecessary defacement with identifying data may later provoke adverse criticism.

Items can also be marked by properly packaging and sealing them and then placing the identification data on the outside of the package along with a property tag. It shall be the responsibility of the follow-up investigator to arrange transportation to the crime lab or other laboratory if necessary.

6-1005.4 Liquid Evidence

All liquid evidence must be preserved. If the evidence collected is of a liquid nature and non-volatile such as blood, urine, semen, anti-freeze, etc., it should be dried in the Drying Booth prior to packaging.. The follow-up investigator or an Evidence Technician will package the dried evidence for storage in Property.

*Flammable liquids should be stored in an airtight container and secured in the flammable items locker outside the ECPD garage door.

6-1005.

6-1005.5 Collection of Standard Blood Sample in Criminal Investigations

Blood samples in criminal cases are withdrawn to determine blood types of the victim and suspect, to obtain a DNA profile, and determine the presence of foreign chemicals.

1. Blood is to be drawn only by a physician or a person acting under his or her direction. The blood kits supplied by the State Hygiene Laboratory should be used for obtaining and storing the blood sample. The instruction form in the kit should be filled out by the officer.
2. If the suspect objects to having the samples taken and if there is any doubt about drawing blood without a search warrant, contact the District Attorney to discuss the issue.
3. Separate Property Tag for Biological Specimens Collected. Place biological specimens, such as blood samples, stomach contents, urine samples, etc., on separate property tags. This will create less confusion when the samples are transported from the property room.
4. Refrigeration of Samples (Never Freeze Liquid Blood). For proper analysis of the blood sample, it is important that the sample be refrigerated as soon as possible after it is drawn from the person. The sample(s) should be brought to the station, placed on property tag, and turned over to an investigator or property officer for refrigeration. If an investigator or property officer is not immediately available, the blood sample should not be simply left in a property intake locker. The officer who transported the blood sample shall be responsible for refrigeration of the sample as soon as possible.
5. Disposition of the Sample. It shall be the responsibility of the investigator assigned from the Detective Division to consult with their supervisor and arrange transportation of all blood/urine samples in a timely fashion to the State Crime Laboratory when appropriate. This can be coordinated through an Evidence Technician.
6. Disposition of Evidence in Sexual Assault Cases. Where there is no suspect identified, the victim's samples shall be maintained in the Eau Claire Police Department until analysis is needed or until

6-1005.

the sample is no longer of evidentiary value. The follow-up investigator shall periodically monitor the value of maintaining biological evidence that can develop potentially hazardous bacteria and deteriorates as time passes. With the scientific advances in DNA analysis and profiling, biological samples of the victim and suspects may be submitted to the Crime Lab for a permanent record of identification.

7. Reporting Evidence Chain. An officer involved in the evidence chain shall document transmittal or disposition of any evidence in reports.
8. Blood Withdrawn from Deceased. The State Crime Laboratory shall be contacted when there is any question related to storage/transportation of blood drawn from the deceased. Blood drawn from the deceased deteriorates very rapidly, and may become dangerous due to bacterial growth.

For technical assistance in emergency situations, the State Crime Laboratory can be contacted 24 hours a day by calling 608-266-2031.

6-1005.6 Legal Blood in Traffic-Related Cases

1. The blood kits supplied by the State Hygiene Laboratory shall be utilized for all traffic-related cases. The supply is maintained by the department, and is stored in the cabinet area in the evidence technician room. The kit has all the equipment and forms necessary to obtain the blood sample.
2. Once the blood samples have been obtained by the medical personnel, the sample will be secured in the supplied container. The container will be sealed and turned over to the officer. The officer will obtain postage from the Department then send the kit to the Lab, utilizing the Postal Service.

6-1005.7 Contraband

Anything that is illegal to possess is considered contraband, and it shall

be seized whenever an officer obtains knowledge of it. It shall be packaged with an evidence tag and secured in an evidence locker. If more than one type of contraband is seized, contraband of a chemical

6-1005.

nature such as suspected heroin, amphetamines, marijuana, etc., or drug paraphernalia; each should be placed on a separate property tag. If the contraband is not to be used as evidence, it shall be destroyed by the Property Officer in the presence of a verifying officer, and documented by written report, including the original case number.

6-1005.8 Latent Evidence

Items of evidence that are to be processed for latent fingerprints must be packaged separately as evidence items. The property card should be marked to indicate that latent fingerprint processing is needed. The packaged items should be secured in a property locker.

**6-1007 DEFENSE REALIZATION MARKETING SERVICE (DRMS)
EQUIPMENT AND PROPERTY DISPOSAL POLICY**

All equipment will be inventoried by the Property Officer upon receipt of property from the respective Defense Realization Marketing Office (DRMO). This will be done on the Property computer data base.

The inventory will consist of:

1. Acquisition date
2. Current location of equipment/property

If property is disposed of:

1. Date
2. Location
3. Name of individual responsible for disposal or destruction.

Property obtained from a DRMO will be placed into use within one year of receipt and utilized for a minimum of one year, unless the condition of the property renders it unusable.

The Property Officer will dispose of or destroy the equipment/property received from the respective DRMO by:

1. Discarding in trash – any unusable equipment/supplies no longer serviceable and not demilitarized required.
2. Auction/bid process – items no longer to be used, but having value
3. Returning all demilitarized required property to the respective DRMO.
4. Document method of disposal (where property went).

At the time of disposal/destruction, the Property Officer will ensure each item is properly documented on the inventory as to the following:

1. Date
2. Location
3. Individual responsible for disposal/destruction.

6-2100.

6-2100. DEVELOPMENT OF POLICY

It is important that all members of the department have an adequate opportunity to comment and suggest revisions to policy. In some cases, the need for a specific policy will first be identified by personnel not assigned to policy development. Therefore, it is important to standardize the procedure to be used in order that persons having suggestions for policy development will know the most effective method for submitting their suggestions. Furthermore, a specific procedure encourages exposure of developing policy to those it will directly concern before it becomes effective.

The following procedure will be used in the development of policy:

Personnel having suggestions for policy, or concern with areas not adequately addressed, or modifications needed to present policy, should contact the Commanding Officer of the Special Services Bureau through their Commanding Officer. The suggestion may be in written form or may be a verbal explanation of the problem and possible solution. All available information that is relevant to the problem should be presented.

The Commanding Officer of the Special Services Bureau will present the suggestion to the Chief's Staff, who will have the responsibility of determining the need for the suggested policy addition/revision.

Upon approval, the suggestion will be developed into a draft policy (Draft #1) using other resource people whenever possible. This draft will then be returned to the Chief's Staff for review and finalization.

Efforts will be made to get comments from department members who may be directly affected and in some cases, it may be advantageous to seek comments from persons outside the department who may have expertise in, or who may be directly affected by the suggested policy.

After final review, the completed policy will be approved by the Chief of Police and distributed in accordance with Policy 6-2100.

6-2101.

6-2101. ACCOUNTABILITY OF MATERIALS FOR INCLUSION IN THE MANUAL OF POLICY REGULATIONS AND PROCEDURES

The Department's Manual of Policy, Regulations and Procedures is provided to each employee to assist in his/her knowledge and compliance with established authorized practices in the department's delivery of police service. In order that accountability by Department personnel to the contents of the Manual be established and maintained, the following procedure will be used for newly distributed materials to be included in the Manual of Policy, Regulations and Procedures.

- A. Any time a distribution of materials to be included in the Manual of Policy, Regulations and Procedures occurs, supervisors fill out the Distribution Form certifying that all personnel under their direct supervision have received and been trained in the revised material. (Personnel above the rank of Sergeant will fill in only people assigned directly to them, and not those who may belong to the same bureau, but are assigned an immediate supervisor; i.e., a Deputy Chief would be responsible only for Lieutenants.)
- B. Upon receipt of the material, supervisors will distribute it to their personnel where possible, and will in all cases return the Distribution Form 6-2100 on or before the effective date. Should a supervisor not be able to deliver the material to all subordinate personnel within this time, the 6-2100 Form will be returned with a notation of the reason for non-delivery and an expected return date (if known) next to the employee's name.
- C. The Chief of Police may, if necessary, require immediate distribution and return of the 6-2100 Distribution Form.

7-100.

7-100 EAU CLAIRE POLICE RESERVE UNIT

7-101. Introduction

The Eau Claire Police Reserve Organization, since its inception in 1954, has provided supplemental policing services to the community. The membership being voluntary, represents a variety of professions and cross section of the community, dedicated to maintaining a feeling of security for all citizens and the provision of professional police services.

7-102. Purpose

The principle purpose of the Eau Claire Police Reserve Organization is one of commitment to providing community service; i.e., one of rendering services and assistance as opposed to one of replacement of full-time police personnel.

7-103. Authority

The Eau Claire Police Reserve Organization serves pursuant to authority as provided in Sections 62.09(1) and 64.11(4) of the Wisconsin Statutes and Section 2.36.080 of the City of Eau Claire Code of Ordinances. Members are compensated at the rate of one dollar (\$1.00) per annum.

7-104. The Eau Claire Police Reserve Organization does adopt all pertinent department policies, regulations, and procedures as articulated in the department manual, as well as general and special orders articulated in the management of special events or other initiatives. Members of the Eau Claire Police Reserve Organization shall be subordinate to full-time police personnel and shall accept assignments and directions from department commanding officers or their designees as deemed appropriate.

7-105. Membership Appointment Procedure

The Eau Claire Police Reserve Organization may be comprised of not more than twenty-five (25) active members appointed pursuant to the following:

- A. Application forms are available to the general public at the Special Services Bureau. Upon completion, the forms are submitted to the Special Services Bureau

7-100.

- B. All applications are to be reviewed by the Reserve Executive Committee.
- C. Approved applicants are invited to a regular monthly meeting(s) for an interview and briefed as to responsibilities, duties, authority and regulations they will be required to be familiar with.
- D. Upon the approval of the reserve organization, a background investigation will be conducted on the applicant.
- E. Upon completion of a satisfactory background investigation, the Eau Claire Police Department will conduct an interview with the candidate. Members of the interview panel are determined by the Chief of Police or their designee.
- F. Upon recommendation of the interview panel and upon approval of the Chief of Police, the applicant is appointed to the Reserve Organization by the Chief of Police and sworn by the City Clerk.
- G. A physical examination is required, contracted for and paid for by the police department.
- H. Following a satisfactory physical examination, application is made for Law Enforcement Standards Bureau training by the police department Training Officer. This training is not required if the reserve officer is currently Law Enforcement Standards Bureau certified.

7-106. Training

Police Reserve Officers are to comply with all applicable regulations of the Wisconsin Department of Justice, Law Enforcement Standards Bureau that are in effect during their tenure. They shall also comply with all department policies, giving special attention to the department firearms qualification Policy 2-1829, 4-800 Emergency Vehicle Operation, 4-900 Use of Deadly Force and 4-1000 Use of Non-Deadly Force.

Twelve monthly meetings of the Police Reserve Organization will be held annually. Reserve Officers shall attend eight meetings to maintain active status, unless excused by the Executive Committee.

7-100.

- D. An inactive member may return to active status within one year of becoming inactive, with the approval of the Reserve Executive Committee, Chief of Police and if he/she meets all requirements in accordance with the Law Enforcement Standards Bureau certification procedures. Precluding emergency or exigent circumstances, a member shall not be granted Inactive Status of more than one such placement. Additional requests for Inactive Status may be denied and the member removed from the roster at the discretion of the Chief of Police. Removal from the roster essentially terminates membership from the Eau Claire Police Reserve Organization.